

THE LEGACIES OF THE HOLOCAUST

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BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
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THE LEGACIES OF THE HOLOCAUST

TUESDAY, APRIL 5, 2000

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:10 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Gordon H. Smith presiding.

Present: Senators Smith, Biden, Sarbanes, Feingold, Wellstone, and Boxer.

Senator SMITH. Good afternoon, ladies and gentlemen. We welcome you to this hearing of the Senate Foreign Relations Committee.

I expect that a number of my colleagues will join me shortly. We are debating the budget on the floor today, and so a lot of them are in action down there, but I know have plans to be here as well.

I would first like to note for the record the assistance of the NCSJ Advocates on Behalf of Jews in Russia, Ukraine, the Baltic States and Eurasia in helping with several aspects of the preparation of this hearing.

I believe this is a historic hearing and that it is going to tie together many components of the whole issue relating to anti-Semitism. I am truly honored to welcome a guest of this committee today, a Nobel Peace Prize recipient, who really needs no introduction. He is Professor Elie Wiesel.

I sought to hold this hearing to bring together disparate Holocaust-related issues that have an impact on our relations with foreign nations. I also sought to include an update on the state of anti-Semitism abroad. I consider the issue in many ways to be a legacy of the Holocaust.

I asked Professor Wiesel to speak to us today, but not just as a witness on reparation or restitution issues, though he will discuss those.

I asked him not as a witness on anti-Semitism abroad, though we will likely hear testimony on that issue as well. I asked him to speak to us so that the committee could benefit from the Professor's thoughts on remembrance of the Holocaust and his advice, and I quote, "that guides us in an age when violence, repression and racism continue to characterize the world."

I welcome him here before the U.S. Senate as a moral conscience for peace, atonement and human dignity in our world today.

I could think of no better way to begin a hearing that had to do with so many wide-ranging issues with respect to the Jewish people.

ple than to ask Professor Wiesel to speak to us as a way of setting the stage for other issues that we will take up as well.

Professor Wiesel, you once said that one person of integrity can make a difference, a difference between life and death. I believe you were speaking about humanitarians, such as Wallenberg or Schweitzer.

I welcome your call for humanitarianism and your call for faith. Much of what we will discuss later in this hearing would not be an issue had there been more Wallenbergs in the past or more Schweitzers today.

We welcome you, sir, and we thank you for your time. We respect your moral force in the world today, and we invite your testimony now.

[The prepared statement of Senator Feingold follows:]

PREPARED STATEMENT OF SENATOR RUSSELL D. FEINGOLD

Thank you, Mr. Chairman. Dr. Wiesel, it is truly an honor to welcome you before our committee today.

The issue of Holocaust-era assets is a very sensitive one, and I commend the Chairman for convening this hearing.

I share the concern of Dr. Wiesel and others that the international community, in our effort at long last to recover and return these assets, may lose sight of the 6 million people who died and the experiences of those survivors whose lives have been irrevocably scarred by the treatment they were forced to endure and the haunting memories with which they are forced to live.

No amount of money can bring back those that were lost, and no cache of stolen goods can erase the indescribable horrors that are seared into the memories of the survivors of this dark chapter in human history.

I welcome the insights of our witnesses on this important issue, and on the disturbing incidents of anti-Semitism that persist around the world.

Thank you, Mr. Chairman.

**STATEMENT OF PROFESSOR ELIE WIESEL, BOSTON
UNIVERSITY, NOBEL PEACE LAUREATE**

Dr. WIESEL. Chairman Smith, friends, please allow me to thank you for inviting me to address you today on an issue that remains burning in our individual and collective consciousness, the legacy of hatred.

This issue is in a way one of the most urgent and compelling topics that one must explore, lest society is caught again unprepared for its nefarious and devastating consequences.

I hope, Senator Smith, you will not mind if I choose not to speak about the financial aspect of that legacy. Others will do that. And some will do so with the energy and devotion that characterize their relentless efforts to return stolen property, private homes, communal centers, bank accounts, art collections, all that they had, to the rightful owners and heirs.

Important as it may be and is, that aspect does not belong to my area of competence. But then I also believe that money is not what the Holocaust was all about. It is part of it, but it is not at the heart of it. There is not enough money in Germany, Switzerland and Stockholm or even the United States that could compensate for the death of one Jewish child.

It is of this child, actually, that I would speak here this afternoon. Senator Smith, I belong to a traumatized generation that has witnessed the defeat of Naziism and Communism, but not that of

hatred. That is why we are here today at your invitation, at your initiative, to unmask hatred and fight it together.

In truth, I may sound naive, but as another lesson at the end of the Second World War, like some of my peers, I thought that our victory was not only military but also moral, surely, but even metaphysical. In defeating evil in the name of humanity, I thought we have eradicated hatred from the human heart. Hatred has a past, but no future, I thought.

Paradoxically, on the ruins of civilization bearing witness to what hatred had done to my people and to what hatred had done to so many nations and groups and communities, I invoked reasons for hope. I whispered to myself: At least and at last, racism will never again raise its ugly head, nor will political or religious fanaticism.

I thought surely humankind has learned some lessons from the greatest and the cruelest tragedy in recorded history. Never again will small nations be exposed to fear of being invaded and dominated by mighty neighbors. Never again will dictators and demagogues hypnotize their crowds with cheap slogans and promises. Never again will children die of starvation and neglect.

After Auschwitz, I thought anti-Semitism will never again be a seductive image in the life of national or spiritual communities. Had I considered then the possibility that hatred would re-emerge so soon, I would not have believed it. I told you, I was naive.

So now I know, now you know, Senator Smith and friends, we all know, anti-Semitism and various hatreds did not die in Auschwitz. Jews perished there, not anti-Semitism. Hatred is still alive and well.

But then what is hatred? How does one produce hatred? One takes A plus B and that is enough to obtain hatred. Once there, once hatred is there, against whom is it most easily directed? To "the other"? Why do we hate "the other"? Is it because "the other" resembles us or because he does not?

In other words, do we agree with some psychologists who claim that ultimately all hatred must be self-hatred? We start hating a group and then another group and more groups. And finally, we hate ourselves.

Students of human behavior maintain that when language fails, it is replaced by violence. Violence is the language of those who can no longer express themselves with words. Thus violence becomes the only language of hatred.

A victim of hatred, the man who feels honored in addressing you today, has devoted most of his entire adulthood in fighting its presence, wherever it emerges. He wrote essays about it, voiced his fear and outrage whenever it appeared victorious or active.

He organized numerous international conferences and meetings and encounters and colloquy with the participation of statesmen, scientists, writers, teachers, sociologists, theologians and psychologists. He tried to find ways to stop hatred from becoming respectable or even acceptable.

So what is hatred? This is what we found not as an answer but as a guiding principle. A product of fanaticism, hatred is almost by definition irrational, impulsive. These dark forces appeal to what is ugly and destructive in the human being. Its pace can be surrep-

titious and abrupt, its goal always threatening, its movement implacable.

Hatred may be dormant, but never static. It unavoidably turns into a cancerous cell that invades a limb, then another, then the entire body, then the environment. Its aim is to conquer in order to destroy. Its principal target is human dignity and freedom.

An ancient, if not eternal, plague routed in somber and fathomless ground, hate ignores frontiers and walls, ethnic and social differences, racial origins and religious beliefs.

A human disease, it cannot be stopped even by God himself. Man alone can prevent it for man alone can produce it. Man alone can limit its progression. Hence, no group may consider itself immune against its poison. No community is shielded from its arrows.

Blind and blinding, hatred is a dark sun which, under heavens laden with ashes, fights and maims and humiliates anyone who forgets that all human beings, irrespective of their origin, color or faith, are sovereign, and thus are bearers of promise and worthy of respect.

The enemy—I mean the adversary of society, the enemy of humanity, and not only the enemy of my people, for the enemy of my people is the enemy of all people, the enemy uses evil and hatred as his weapons, which means hatred is the enemy as is evil, for hatred itself is the face of evil.

Pernicious, surreptitious, hatred infiltrates itself in all human endeavors so as to disrupt relations between man and woman, teacher and disciple, leader and followers, child and parent, Jewish and Christian and Muslim, human beings and their Creator.

To hate is to deny the other person's humanity. It is to see in "the other" a reason to inspire not pride, but disdain, not solidarity, but exclusion. It is to choose simplistic phraseology instead of ideas. It is to allow its carrier to feel stronger than "the other," and thus superior to "the other."

The hater is like the fanatic devoid of a sense of humor. He is vain, arrogant. He believes that he alone possesses the key to truth and justice. He alone has God's ear.

In his word and in his world, "the other" must be jailed and tormented; jailed, if not physically, then mentally, for he alone, the hater alone, feels that he deserves happiness and peace. And in order to feel free, he must deprive all others of their freedom.

He refuses to understand that in a democracy, in God's creation, I am not free because others are not; I am free because others are. And therefore, as long as there are people who are deprived of their freedom, my freedom is curtailed and limited and sometimes unworthy.

Mr. Chairman, distinguished Senators, it is with sadness and frustration that we must face reality. Fanaticism has not vanished from our horizons, nor has hatred.

Ethnic hatred in Kosovo and Rwanda, nationalist hatred in Chechnya, political hatred in the Middle East, a variety of other hatred spread and nurtured by small, marginal groups even in our own land, which is still the freest under the sun, we still have in our midst racists, supremacists, those who believe that their race give them all the rights in the world to humiliate others who are

not of their color or of their religion. We have them in our nation, in our land, in our country.

Elsewhere, anti-Semitism is still in what used to be the Soviet Union, today Russia, and so many of the republics that constituted the Soviet Union.

There is even one country which was my birthplace, Rumania. I was born in Rumania, which then became Hungary. And in those times, these countries changed names and anthems almost overnight. Rumania is the only European country which continues officially to honor the memory of a World War II leader and war criminal condemned for the mass murder of the Jews, Ion Antonescu.

Rumania's ruler during World War II was one of the allies of Nazi Germany, who made his country a member of the Axis and who declared war on the United States. Rumania was the main ally of Germany on the eastern front.

Antonescu's troops participated in the mobile killing operations. He initiated pogroms against the Jews, massive massacres, and full-scale deportations of the Rumanian Jews from Bessarabia and Bukovina. And today he is still glorified in Rumania.

What it means is an absence of memory, an absence of justice, and an act that shows that those who made these decisions to erect statues to Antonescu, name streets for him, have forgotten what he meant, what he was.

But the worst haters, Chairman Smith and distinguished Senators, the worst haters are now ideological. They are those who spent time, energy and money to deny the Holocaust. Their message appeals to all the racists, all the bigots, all the fanatics in the world.

It is at the heart of all the propaganda spread by Nazis and neo-Nazis everywhere. And they are everywhere. I do not know who finances them, but they are active and vocal, and we find them everywhere.

In doing what they are doing, they incite hatred in uninformed men and women, hatred to us Holocaust survivors. For if we lied about the murder of our parents, the gassing of children, the death convoys to Auschwitz, Maidanek, if we invented our suffering, as they say, for money, why should we not be despised? They want us to be despised.

These deniers have tried for decades to provoke me, as so many others, and failed. They are so unethical, so morally ill, just as there are people who are mentally ill, that I would never dignify them with a debate.

Still, distinguished Senators and friends, think of our children. What about their suffering, when they read what the deniers say about their parents and grandparents? Should there be a way of checking when and where their words cross the line of free speech, which to us is so important that we are ready to fight for it with every argument at our disposal?

But when it becomes an incitement of hate and violence, what are we to do? What can you do, as the lawmakers of this land? Is there anything else that could be done to denounce the moral ugliness of these deniers?

But in this particular case, I speak as an educator, as a teacher. As far as they are concerned, education is regrettably not the an-

swer. They are probably the only human beings in the world on whom even the best educational methods would have no effect. What then is the answer?

The conclusion, since you invited me to speak about the general context of the issue which is before you, and since you wish—you so wish to learn what evil hatred can do, listen to what evil hatred has already done not so long ago.

Just close your eyes and try to imagine endless nocturnal processions converging to a place over there in Poland, where, as a result of government-planned hatred, heaven and the human heart were on fire.

Close your eyes and listen, listen to frightened victims of man-hunts in ghettos, the silent screams of terrified mothers, listen to the tears of starving children and their desperate parents, friends, teachers in agony, as they walk to where dark flames are so gigantic that the planet itself seemed in danger.

They had been brought there from the farthest corners of exile, not understanding the meaning of what is happening there and why. One element of that agony, we know its name, hatred.

Think of them today, distinguished Senators, remember them tomorrow. Think of their legacy. Just as the legacy of hatred must disappear, the legacy of its victims must remain. And thanks to you, who so nobly, fervently help us remember, it will remain.

Thank you.

Senator SMITH. Professor, speaking as one U.S. Senator, I want to thank you for taking out of the tragedy of your early life the majesty of your later life. Yours is a moral voice the world needs to hear.

In my capacity as chairman of this committee, I went to Poland about a year ago. All my business was in Warsaw. But I made them take me to Krakow, because I wanted to go to Auschwitz-Birkenau to try and get some sense of what I learned of as a boy, so I could understand it as a man.

I went to cell block ten. I was deeply moved by that horrible place. I later on the same trip found myself in Vilnius, Lithuania. I went into the basement of the KGB headquarters. And I found a place almost identical in appearance, in smell, in instruments of torture. And I realized one was a half century ago; the other was a decade ago.

And I see today in our country a black man dragged to death, a gay man beaten to death. I see a madman in Serbia exterminating people. And I wonder if we are doing enough in our country.

Before I turn it over to Joe Biden, I want to tell you how deeply moved I was when I had occasion at the height of the Kosovo war to go to Macedonia. And there were 50,000 people herding in a camp, a refugee camp. They were happy because they had been rescued. But as we approached this camp, I flinched a little with memories of things I had felt earlier in Poland.

But I wish the whole world could have seen the flag that was flying over this camp of Albanian-Muslims. It was the flag of Israel. And in that camp were Israelis trying to provide recreation from the tedium of being in a camp.

And I wish the whole world could have seen the opposite of what you were describing of hatred, which is love, which is being demonstrated by the Jewish people to Muslim people.

So I thank you for your moral voice. I believe the world still needs to hear it. And the evidence of that is the response we got from this hearing.

I frankly was amazed at the levels of opposition and the times I heard of Holocaust fatigue. And maybe there is Holocaust fatigue, but if we ever let that silence voices like yours, we will repeat it. And I wonder if we are not doing enough already to stop it. Senator Biden.

Senator BIDEN. Mr. Chairman, I am going to—Dr. Wiesel, it is an honor to have you here.

I am going to say something that is going to sound somewhat outrageous. Quite frankly, I think, Mr. Chairman, it is even more important that your voice be heard than Dr. Wiesel's voice be heard. The world knows him. The world knows all that he has done.

But you are, as we say, one of those righteous Christians who, in fact, when you speak, when you express what you did a moment ago, the intensity of your feeling, coming from a State that I suspect has a very small Jewish population, coming from a tradition that is viewed as conservative, coming from a pre-billing before you got here that you were one of these guys who was a very conservative Christian, when you speak out, I would respectfully suggest that people that do not listen to Dr. Wiesel will listen to you.

Senator SMITH. Thank you.

Senator BIDEN. I mean that sincerely.

Justice Holmes, Dr. Wiesel, is credited with having said once that "prejudice is like the pupil of an eye; the more light you shine upon it, the more tightly it closes."

But I would suggest the more light we shine on the racists of the world, the more we force them into darkness, the more we make it difficult for decent people who are engaged in benign neglect or benign willing ignorance, we force them to face the reality of what we still face. And that is virulent, vicious racists and anti-Semites that still wander our land and other parts of the world.

I know the depths of your feeling, Mr. Chairman, about religious persecution in general, and anti-Semitism in particular. And I share, as all of us do here, both your revulsion at those manifestations of hatred and, what I think is most important, your determination to combat them.

It is a pleasure to have the people that are here today. In another sense, it is sad we have the people that are here today, some of the most distinguished voices in America.

The Holocaust was a defining moral event, as you point out, Dr. Wiesel, of the 20th century. And it was the horrific logical conclusion to centuries of anti-Semitic hatred that had been spawned and relentlessly inculcated into the minds of so many Europeans.

And in that connection, I think it is the importance of the moving statement made in Israel—and I happen to be a Roman Catholic. I say it was about time, but thank God it came ultimately in time, that a Polish Pope set an example of the goodwill that we should be discussing and did, not sufficiently for all people, but did some-

thing I think was very significant. And that is acknowledge the culpability by the nonfeasance on the part of previous Pope.

But I do not know how this compensates for one life taken or six million for that matter or for an entire culture attempted to be exterminated or for the unmanageable suffering of the survivors.

But I think the steps we can take are, at best, pathetically inadequate, but, I would suggest, are absolutely necessary, if we are not to have it happen again.

I would suggest there are at least four or five things we could do. One is to honor the memory of the martyrs. In order to do that, I think we have to unflaggingly and relentlessly retell the story, retell the story over and over and over again. And I would argue that the further we get from the event, the more imperative it is to retell the story.

I get criticized, as some do, for this Holocaust fatigue. But the truth of the matter is that I do not think it can be stated enough, not only so it never happens again for Jews in the world, but so it does not happen again for other people.

Did you ever think in your lifetime you would see Europe stand by and the world attempt to ignore, and initially even Israel attempt to ignore, this thing call ethnic cleansing? Did you ever think that that would happen, that that word could come out, that phrase could come out of a leader's mouth in Europe, and good people around the world and in Europe and here conclude that somehow this related to sovereignty; we should not be involved because of the sovereignty of another nation, Yugoslavia?

But how many people remain silent? This time it was Muslims. This time it was Muslims. So it was not quite as big a deal. This time it was Muslims.

So it seems to me the second thing we have to do is what our good friend Stu Eizenstat has been doing incredibly ably, and that is—and the rest of you—pushing for restitution and financial compensation for survivors, so at least they do not have to live out their remaining days in privation.

It will not do anything, not do anything, except two things: Acknowledge the sin, and diminish the prospects that those who are in the state of privation do not have to live their remaining few years in that state.

The third thing, it seems to me, Doctor, is we must press for an expression of moral restitution from individuals and institutions that were complicit in the Holocaust era, persecutions, deceptions and robbery.

And also, it seems to me, the fourth thing we have to do is actively combat any manifestation of anti-Semitism wherever it appears without any hesitation.

You and many others, objective scholars, have taken up the first challenge by setting the historic record of the Holocaust straight.

Secretary Eizenstat and Mr. Bronfman and others have done heroic work in pressing for and giving material restitution for Holocaust survivors. And I hope and expect that we will hear details about their effort in their testimony.

And Rabbi Singer, I know, will remind us in his testimony of the concomitant imperative of moral restitution.

And finally, many of us are doing our best to combat anti-Semitism and xenophobia. In the summer and fall of 1994, when I was chairman of this committee, we held a lengthy series of hearings on the reappearance of ultranationalism in Europe. The hearings at the time received wide publicity in Europe and wide criticism and some criticism here.

Well, I am sad to tell you that the very things we were all hearing about have been manifestly made clear that they happened. The only good news is that at least for the first time, and as both a supporter and a harsh critic of Europe, at least for the first time the European Union in this case said to Austria, "We will not deal with you."

I heard at a conference I attended on the weekend this all happened to a bunch of NATO experts, the Wehrkunde Conference—and there was this big meeting of the community afterwards in that great hall in Munich, coincidentally the same hall other interesting things have happened.

And how many times was I approached on the floor of that hall with probably 1,000 people in the hall saying, you know, it is Austria's business. It is Austria's business. This is a free election. Why—I mean, we are overstepping our bounds, referring to themselves as Europeans.

But unfortunately, in some sense, publicity that is not constant seems to require continued enlightenment. And several of the right-wing movements discussed in the hearings, as I said in 1994, have subsequently increased their power, and one has actually gained power.

So, Doctor, combating persistent anti-Semitism in Russia, which has been the occupation of this Senator and the two Senators who have left, and many others up here, has been, it seems to me, a condition that we can impact on.

Let me give you a specific example. I was tasked, because I am the lead Democrat, meaning I am the senior guy on this committee, with carrying the administration's water on certain foreign policy initiatives.

The expansion of NATO, which was, by the way, a bipartisan effort at the end of the day, and this Senator played a major part in that, as part of that, I went to visit all three of the prospective countries at the time seeking membership. And it is not whether they are members or not that it is relevant, but the point I wish to make is this: Although I had been in these countries many times, I went to Poland. And I was asked to speak. And Dr. Haltzel with me, we spoke at the Warsaw University. It was an honor afforded me.

And a number of students, a significant number of academicians and a lot of press, because I was there speaking with their entire leadership about NATO—and I had just finished a day of meetings.

And in the question and answer period from the floor of this great university, I was asked by one of the professors: "Is there anything"—and I supported the entrance of Poland into NATO. "Is there anything that could stop this from happening, Senator?"

And I answered the question the following way: I said, yes, one for certain. If your government demonstrates once again, as it has in the recent past 2 years, its insensitivity to the Holocaust and to

the responsibility this country had relative to that, then I tell you you will not become a member of NATO.

Well, I was absolutely, to use a colloquial expression, blown out of the water. Not at that meeting, because everyone knew whatever I came back and wrote and suggested to my colleagues might have some impact. But literally by the time I got back to my hotel room, my hotel room—I was in Warsaw. I did this at 6 p.m. So what time was it here?

But by the time I got back to my hotel room, I was greeted by Dr. Haltzel telling me that we had scores of calls from Polish-American groups, as well as groups around the country, around Europe, Polish-Americans in the United States, asking why I was so anti-Polish.

Well, I will suggest to you that if we continually remind this country, continue to remind everyone we come in contact with, seeking alliances with us and/or cooperation from us, that there are certain minimum, basic, fundamental human rights, a threshold upon which we will not cross unless they are acknowledged, I suspect that we have the ability not to eliminate the hatred, Doctor, but to keep it at bay.

And so I want to suggest to you that you have more reason to know, as the old saying goes in the southern part of my State, you all have forgot more about this issue than I am ever going to learn. But I believe that words count. I believe they matter.

And I believe that the right words uttered by people in positions of responsibility and authority matter, and that when they are not uttered, they speak more loudly than the loudest shout from any platform in the world.

And so I, for one, believe that. That is why—and this is going to be a leap you will not like—that is why I think we must, we must for the sake of every Jew and every other person in the world, try those persons in the Balkans, bring them to justice, who engaged in the ethnic cleansing. That is why we must, we must, knock down those doors and drag those people out and send them to The Hague and try them.

Because if we do not, we allow an entire group of people, who in fact enabled this to happen, enabled it, to continue to engage in that one human trait we all possess, rationalization of their conduct, to rationalize away their failure to act.

I will end this—and I should have asked you questions, but I will end this by saying the following: When my sons and my daughter each turned 16, years apart, the first place I took them was directly, directly, to the concentration camp just outside of Munich. My family, all but for my father, thought that was a little harsh. And my friends wondered why the hell I would do that.

And I will never forget what my oldest son, who is now a Federal prosecutor, said as we were coming back. We were sitting in that little village, that little old castle there, having a nice lunch. He looked out, and not very far away was an entire village that had been there since World War II.

He said, “Daddy, did they know what was happening? Did they know what was happening?”

I said, well, I do not know how they could not have, just from the smell, if nothing else. I said, the human mind rationalizes beyond anything your young 16-year-old mind can comprehend.

And that is why it is important to keep those gates open, people walking through, every generation seeing it. And I almost lost my faith when Europe sat on its hands and many of us here remained silent when Slobodan Milosevic and Mr. Karadzic on the same damn continent engaged in a different form, but the same fundamental principle, that took place.

My dinner table, Dr. Wiesel, is a place where we assembled as children to have discussions with our father and occasionally eat, rather than eat and occasionally discuss. From the time I was a kid, my father—a Roman Catholic—beat into our brains the failure of the world, including our country and including some Jews in our country, to acknowledge what was happening, because he always used to point out, had we acted 5 years earlier, 4 years earlier, 3 years earlier.

So I hope the hell you keep talking. And I hope we continue to produce guys like this, Senator Smith. I really mean it. I really mean it, because his words here speak much louder in this Congress than mine do, and almost as loud as yours.

I thank you for being here. And I apologize for essentially the point of personal privilege I have taken to tell you my views. But I am an admirer, and I am committed. There is not much other reason to have this job.

Thank you.

Senator SMITH. Thank you very much, Senator Biden. Thank you for your remarks.

Professor, do you have any closing comments and responses for us?

I apologize to Senator Wellstone and Senator Feingold that I did not give them a chance to speak. They were here out of respect for you as well.

Dr. WIESEL. Senator Biden, may I answer your non-questions?

Senator BIDEN. Please.

Dr. WIESEL. Those who sat in this very chamber in those years, have they spoken up? Why not study the Congressional Record of 1939 to 1945?

Senators who had power, their voice could have been heard. Did they speak up? For they knew. Washington knew. The White House knew. The Pentagon knew, just like Stockholm and Bern and the Vatican. They knew. We were alone. We were terribly alone.

That is why, Senator Smith, whenever there is a massive violation of human rights, of human dignity, of human happiness, I try to go there.

Once I was asked by a journalist, "What are you doing here?" It was a refugee camp on the Cambodian border. "There are no Jews here."

I said, because when we needed somebody to come for us, nobody came.

That is why we must go there. That is why, Senator Biden, 1993 April 19, when the Holocaust Museum opened, I had the honor to speak. At that time, very few people spoke about Bosnia.

Senator BIDEN. You did.

Dr. WIESEL. I turned to the President in the middle of my speech, and I asked him: Why do we not do what we must do? I did go then to Sarajevo. I went. Later I went to the camps, Senator, to Macedonia. I was sent by the President then. I saw those people. I spent days and days, nights and nights listening to them.

What I found then so horrible was that the men I spoke to, all victims, they somehow began telling a story and could not finish it, because they broke down in tears. But then I went to the children. And the children were playing, because the NGO's did do their job. Thank God.

I also saw that tent that the Israelis built. And I heard Muslim children sing Hebrew songs that the Israelis taught them. I all of a sudden felt so good. I felt so good that things are still possible.

Both of you mentioned Holocaust fatigue. It hurts. But I always thought that whenever humanity is suffering from fatigue, from moral fatigue, it is enough to invoke the Holocaust to dispel that fatigue.

In some quarters, we are being attacked and criticized for speaking too much about it, so that we have to defend ourselves.

I am so glad that you, Senator Biden, and you, Senator Smith, you are here to affirm to the country and the world that to write about it, speak about it, to work for it, is an honor. It is an honor to be involved in whatever links us to that terrible tragedy.

And all those who will follow me, all the names that you mentioned, Eizenstat and Singer and Bronfman and David Harris, all those who will follow me, it is an honor for humanity what they are doing.

As for the fatigue itself, since I am a teacher, let me tell you a story. It is the kind of story which is sad but at the same time encouraging. The story is about a just man who decided he must save a certain city because it was doomed by the sins of its habitants. So he went to school. He learned everything. He knew about political science. And he went—he was young and energetic and dynamic.

He would go from street to street saying, "Men and women, do not be indifferent. Men and women, be sensitive," and he went on.

In the beginning, people listened to him, because how many just men came to that city? He was alone. Years passed. He was very old. Nevertheless he would still go from street to street, from place to place, from marketplace to another, shouting, shouting.

One day a child stopped him in the street. "Poor stranger, poor teacher," said the child. "Why are you shouting? Do you not see it is useless?"

He said, "Yes, I know it is useless."

"Then why are you shouting?"

"I will tell you why," said the just man. "In the beginning, I was convinced that if I were to shout loud enough, I would change them. Now I know I cannot change them. Nobody can. But if I go on shouting and shouting," as you do and we do, "it is because I do not want them to change me."

I thank you.

Senator BIDEN. Thank you.

Senator SMITH. Thank you, Doctor. We are not fatigued by your words. We are renewed by them. And we thank you for your presence here today.

Ladies and gentlemen, we will now welcome the Honorable Stuart E. Eizenstat, Deputy Secretary of the Treasury. Secretary Eizenstat has taken the lead for the United States on the difficult issues of reparations and restitution. And he is testifying today on the progress that is being made.

I would like to note for the record that both Secretary Eizenstat and I serve on the Presidential Commission on the Holocaust Assets in the United States, chaired by another witness today, Mr. Edgar Bronfman, who will speak to us shortly.

Secretary Eizenstat, we welcome you and invite your testimony now.

**STATEMENT OF HON. STUART E. EIZENSTAT, DEPUTY
SECRETARY OF THE TREASURY**

Secretary EIZENSTAT. Thank you, Senator. And thank you very much for having this hearing. It has been the efforts of the U.S. Congress providing a public forum over the past several years, which has been a powerful asset in our work to bring justice, however belated, to Holocaust survivors and to other victims of World War II.

My testimony summarizes 5 years of work by our team from the State, Justice and Treasury Departments. This has helped produce, among other things, a \$1.25 billion Swiss bank settlement; a \$5.1 billion German agreement for those injured during the war by German companies; the beginning of the return of looted art around the world; 2 massive U.S. Government studies on the flow of Nazi gold and the role of neutral countries in supporting the German war effort; has spawned the creation of historical commissions in 17 countries; led to 3 international conferences, each with over 40 countries; supported the creation of the International Commission for Holocaust Era Insurance Claims; stimulated the return of confiscated religious and communal property in Central Europe; led to the declassification of over 1 million pages of World War II documents; developed an international task to promote Holocaust education worldwide; and has just commenced new negotiations with Austria on slave and forced labor.

The Holocaust was not only the worst genocide in history, but also history's great theft. The Nazis stole gold from the treasuries of the nations they occupied and from the victims they killed. They looted art, an estimated 600,000 pieces, Aryanized Jewish businesses, forced the sale of homes for little or no compensation, took communal property, synagogues, cultural centers, schools and cemeteries and destroyed them and, in addition, forced some 12 million people, mostly non-Jews to work in their factories and fields under horrible conditions and for little or no pay to free German workers to serve in the military.

Over 100,000 Holocaust survivors and tens of thousands of other Americans, who were forced laborers, live in the United States.

Our policy on Holocaust issues serves important U.S. foreign policy interests, as well as helping individual American citizens, including maintaining close relations with Germany, a partner in

promoting and defending democracy for the last 50 years and one vital to our security and economic development of Europe. It helps in the removal of impediments to greater cooperation in Europe.

And more broadly, the horrors of the Holocaust provide a lesson applicable to contemporary events, including, as Senator Biden and yourself indicated, in Kosovo. The bipartisan focus on human rights violations from Chechnya to China resonates with Holocaust-related memories.

I would like to first start by discussing the current negotiations over slave and forced labor and other wrongs with Germany. This will lead to the establishment of a new entity to be created by the Federal Republic of Germany to be called the Foundation for Remembrance, Responsibility and the Future.

And through this foundation initiative, those who worked as forced and slave laborers and those who suffered at the hands of German companies during the Nazi era can receive recognition of their suffering, and dignified payments. The overwhelming percentage of those who will be compensated are non-Jewish.

These negotiations have been going on for more than a year, through 11 formal negotiating rounds and innumerable other informal sessions, including over the last 2 days.

Last December, after hard negotiations, the first phase was completed. The German companies and government agreed to raise their combined contribution to the foundation to 10 billion Deutsche marks or a little over \$5 billion under current exchange rates, half from German companies, half from the government.

And may I say, Mr. Chairman and Senator Biden, we all know politics. Chancellor Schroeder contributed \$5 billion to this effort at a time he was cutting \$30 billion from his budget in popular social programs. This latest offer, which was accepted by all parties, was a substantial increase over the initial German proposal when we began the process over a year ago of 1.5 million Deutsche marks.

And importantly, the December agreement was accompanied by a remarkable statement by German President Rau, in which he "begged forgiveness" on behalf of the German people for the brutal treatment of slave and forced labors. And it is our hope that his moving statement will be included in each check sent out to beneficiaries.

Two weeks ago in Berlin, after another 3 months of arduous negotiations following the previous years, we finally completed the second phase, which was agreeing on the allocation.

This chart¹ demonstrates the detail and complexity of the allocation formula needed to satisfy all the parties, five Central European governments, the State of Israel, the Jewish Claims Conference, class action lawyers, the German Government and German industry.

Of the 10 billion Deutsche marks, 8.1 billion plus 50 million in anticipated interest, will be allocated to pay claims of slave and forced labors and others to personal injuries, such as medical experimentation.

¹The chart and additional material for the record, referred to during Secretary Eizenstat's testimony, appear in his prepared statement beginning on page 19.

One billion Deutsche marks will go to property and insurance issues, including claims and a humanitarian fund. Seven hundred million Deutsche marks will go to a future fund to promote tolerance and advance social programs, taking into account also the years of forced labors; and 200 million will be used for administration of the foundation and to pay legal fees.

In phase three, the German Cabinet just a week or so ago submitted to the Bundestag, draft legislation creating the foundation. That legislation is not yet in a form we would wish.

It must embody the elements that are necessary for us to accomplish our goal, which is the creation of a comprehensive, fair and transparent foundation that will make payments to some 1 million surviving forced and slave laborers and others who were injured during World War II. Of that 240,000 are slave laborers, half roughly are Jewish, half are non-Jewish. And around 1 million are forced laborers, almost all of whom are non-Jewish.

The most significant remaining issue regarding the legislation concerns the scope of the foundation. The foundation must be empowered to offer a potential remedy for any conceivable claim against German industry arising out of the Nazi era.

It is critical to understand, Mr. Chairman and Senator Biden, why the U.S. Government is willing to provide statements of interest urging U.S. courts in current and future cases to view the German foundation initiative as the exclusive remedy for claims for Nazi-era injustices and to indicate that dismissal of current and future suits is in the foreign policy interests of the United States.

That is because conventional litigation will be highly unsatisfactory. The reasons are as follows: The success of litigation is problematic, given the variety of legal defenses available. Already, Federal judges have dismissed two of the cases.

In addition, litigation would take years to reach fruition, even if it were successful. Survivors average around 80 years of age and are passing away at the rate of 1 percent a month. Few will be around, if litigation succeeded years hence.

Third, any litigation would benefit only a very small subset of those we will be able to help through this initiative. The only survivors, Senator Smith and Senator Biden, who could hope to recover in any litigation are the few thousand who were employed, and could prove it under strict judicial rules, by the few German companies who are subject to the jurisdiction of U.S. courts.

By contrast, this foundation initiative will cover, under relaxed standards of proof, some 1 million workers, including those who worked for German companies now defunct, German companies who are not subject to the jurisdiction of the U.S. courts, because they do not do business here, SS companies and companies owned by the German Government.

Indeed, it will even permit five Central European reconciliation foundations to pay forced agricultural workers. All of these would have no opportunity to obtain any justice in the U.S. court system.

American citizens will be able to process applications through organizations in the United States without having to travel to Germany. If Congress approves, American citizens who receive benefits will be able to exclude them from income under a tax provision in the President's 2001 budget.

No racial, ethnic or religious groups will get any favorable treatment. And detailed explanations of who is eligible and how to apply will be widely publicized.

Second, insurance: With the support of the U.S. Government, the International Commission on Holocaust Era Insurance Claims, ICHEIC, was established and secured by the former Secretary of State Larry Eagleburger. It launched a full-scale claims process in February.

And just yesterday, it published 19,000 names of policy holders of five European insurers who are part of ICHEIC, which will help claimants who had no knowledge that their families may have even had such policies, to claim unpaid policies.

The insurance portion of our foundation, some 300 million Deutsche marks in claims, and even more in humanitarian, will either directly or indirectly be passed through to ICHEIC, and claims will be processed by ICHEIC processes.

The issue remaining is getting other insurers other than the five that have joined to join ICHEIC so that their files can be opened and claims can be identified.

My German counterpart, Count Lamsdorff, has on several occasions expressed his confidence that all remaining German insurance companies, and only one has so far joined ICHEIC, should now be able to join the foundation and follow ICHEIC's claims procedures and join ICHEIC itself.

We commend the five European insurance companies that have joined and strongly encourage all insurers that issued policies during the Holocaust era, especially those in Austria who have not joined and those in the Netherlands, such as Aegon, to join the International Commission and participate fully in its program.

And I am very pleased to say that just this week the Insurance Association of the Netherlands has indicated that they will recommend that all Dutch insurers join ICHEIC.

This is the best and most expeditious vehicle for resolving insurance claims from this period. And we support giving those companies who do join ICHEIC and cooperate with it, safe haven from sanctions, subpoenas and hearings in the United States relative to the Holocaust period.

Third, Austria: The entry of the Freedom Party into the government has obviously caused great concern. We will look at what the government does, as well as what it says. One important benchmark is how the new government will deal with unresolved Holocaust era issues.

I am pleased to report progress in the area of forced and slave labor compensation based on my first round of negotiations around 10 days ago.

The Austrian program will closely parallel the German foundation initiative. There is an ambitious time table in which they hope legislation will pass the Austrian Parliament by July and the commencement and operation of a new Austrian fund by the end of this year.

And while we are pleased with these commitments on slave and forced labor, we have made it clear privately and publicly that the Government of Austria must also address outstanding restitution issues, businesses, apartments and art.

We hope that Austrian officials understand our concerns, and we hope that their government plans to deal with restitution issues soon. And we believe perhaps that they will.

Art: At a conference in Washington in December 1998, 44 countries reached consensus on a set of principles designed to find some of the 600,000 artworks stolen by the Nazis and their collaborators and to return them to their pre-war owners. Museums around the world are now beginning to implement these principles.

I am pleased to say that our largest U.S. museums are going through their entire inventory seeking to identify works that may be looted by the Nazis.

I just yesterday met with Rusty Powell, the head of the National Gallery, and his colleagues, along with a subcommittee of Mr. Bronfman's Presidential Commission. And the National Gallery has offered an excellent example of thorough research in a 3-year project in which they dedicated one full-time person. And that has recently been completed.

The gallery went through over 1,600 paintings. It discovered that eight in its collection had in fact been looted by the Nazis during the war, but also indicated that each had been returned to its rightful owner. And there is a ninth painting that has gone through the hands of a dealer known to have involved himself in looted art where they are now trying to establish ownership.

Importantly—and I have attached this to my testimony—the gallery has made its entire collection available on a website, including provenance information. And I am submitting for the record an example of the website, including those eight paintings and the ninth still undetermined.

It is not just all large museums, including the Metropolitan in New York, who are going through their inventories. The North Carolina Museum of Art in Raleigh only a month or so ago, following our Washington principles, located in one of their major paintings that it was in fact stolen by the Nazis. And they are now in the process, without any question, even though there may be no legal obligation, to return them to the heirs of the Viennese physician to whom that painting belonged.

Similar efforts are going on in the U.K., the Tate Gallery, for example. The German Cultural Ministry has just announced that Germany will inaugurate a new website to help restore Nazi-confiscated art to its rightful owners. The French Government has posted 1,000 pieces of art, art that was in the Louvre and the Jeu de Paume, that they now believe to be looted.

The Russian Constitutional Court has upheld legislation that would permit the restitution of art confiscated by Nazis from victims of persecution. But this is a hollow commitment unless Russian archives are opened. We have been approached by several private groups interested in cooperating with the Russians on cataloguing art in Russian depositories.

And Mr. Bronfman and I are working with a private group to try to facilitate the obtaining of money so that that cataloguing can occur.

Senator BIDEN. Excuse me. Is there reason to believe, if you have the money to do that, that the Russian Government will cooperate?

Secretary EIZENSTAT. Senator Biden, they have signed on to the Washington principles. And at the Stockholm conference, they reiterated their commitment. I think the best way to test them is to say, We have the money. Show us that you are going to do the job.

Senator BIDEN. Thank you.

Secretary EIZENSTAT. Communal property: During the Nazi era, the Germans seized a great deal of property in Central and Eastern Europe that belonged to religious organizations, churches and synagogues, for example. These were converted into commercial, social and municipal facilities. And this is not only Jewish synagogues. These were Catholic and Greek Orthodox churches.

The successor Communist governments for the most part did not restore these properties to their original owners. And when the Iron Curtain was lifted a decade ago, the new democratic states of Central and Eastern Europe faced a massive task of how to deal with this property.

We have sent to them—and I have gone to a dozen countries over 5 years, to urge them to recognize the importance of property rights.

Senator Biden talked about this in terms of NATO. Governments have to realize in this region that honoring property rights is a prerequisite to participating in the international marketplace, to attracting investment abroad, and that as Central and Eastern European countries are fully integrated into Western institutions, they have to realize the importance of sound property restitution.

Appended to, by written testimony, is a country-by-country summary of property restitution progress, and there has been. But much, much remains to be done. It is slow, painful and difficult.

Poland merits particular detailed attention because of the large amount of potentially restitutable private—private as well as communal, property and recent developments.

In September of last year, the Polish Government submitted a piece of legislation to their parliament called Reprivatization Legislation. It was nondiscriminatory in the sense that it would have allowed former Polish citizens and their heirs who live outside of Poland, including in the United States, to file property claims and either get their property back or at least some percentage of its fair market value.

However, disturbingly, in December a parliamentary committee added restrictive residency requirements, which are discriminatory and would bar U.S. citizens from filing such claims. The Polish Government officials have assured us at very high levels that they favor their original amendment and that they are opposed to these amendments.

Frankly, this is an area where Congress can help. If you can deal with your colleagues in the Polish Parliament and encourage them to pass the government's law, it would be enormously helpful.

There are also some 18 countries who have commissions examining their role during World War II. And this gets to the role of archival openness. It is essential, not only in assisting in making claims and advancing scholarship, but so that every country can honestly confront its behavior during these difficult years and draw the lessons needed to advance tolerance and social justice. And it

is particularly important that the Russians open up their archives on Raul Wallenburg.

As we proceed with addressing Holocaust-related issues, it is important to move from money to memory and to teach its enduring lessons.

The Stockholm International Forum on the Holocaust in January, organized by Prime Minister Persson of Sweden, took a major step forward as delegates from over 40 countries committed themselves to promote Holocaust education and remembrance, the study of the Holocaust in schools and universities, and learning its lessons, as well as opening relevant archives.

Let me close on a very practical note and one, Senator Smith, that you are familiar with, given your membership on the Advisory Committee on Holocaust Assets. And that is, the President has sent to the Congress a supplemental appropriation bill asking for \$1.4 million in additional funding for the Commission.

If we are to do our work by the end of this year, if we are to do the kind of research that you would expect us to do, to cross-match the names of Holocaust victims with unclaimed property lists and other things, we must have that money. And I would ask the Senate to act on it expeditiously.

Again, thank you very much for giving us this forum and for the support you, Senator Biden, and your colleagues have given us over the past 5 years.

Senator SMITH. Thank you very much, Secretary Eizenstat.

[The prepared statement of Secretary Eizenstat follows:]

PREPARED STATEMENT OF HON. STUART EIZENSTAT

Mr. Chairman, Senator Biden:

I appreciate the opportunity to testify today. The effort of the U.S. Congress to provide a public forum for the discussion of Holocaust-related matters over the past several years has been a powerful asset in our work to bring justice, however belated, to Holocaust survivors and other victims of World War II and to bring out long-suppressed truths about World War II and Holocaust-era assets.

You have just heard one of the true witnesses of the Holocaust, Elie Weisel. No one can exceed his eloquence and his towering moral stature on this subject.

The Holocaust was not only the worst genocide in history, but also perhaps history's greatest theft. In order to operate their war machine, the Nazis stole the gold from the treasuries of the nations they occupied; took the valuables of the people they killed, including gold from their victims' teeth; looted the museums and private art collections of Europe of over an estimated 600,000 works of art; and forced some twelve million people to work in their factories and fields, under terrible conditions and for little or no pay, to free German workers to serve in the military. Jewish businesses were "Aryanized"—that is seized from their owners and turned over to others often with the complicity of German banks. Jews were forced to sell their homes for little or no compensation. Their personal property was stripped from them before they were sent off to the camps. Their communal property—synagogues, cultural centers, schools, and cemeteries—was confiscated and most of it destroyed.

Over the last several years, our government has been trying, in cooperation with other governments and many private organizations, to bring some measure of justice to surviving victims and their families by recovering property that was stolen from them, by enforcing their rights under insurance contracts that were abrogated, by compensating them for personal injuries sustained and for slave labor and forced labor performed under brutal conditions. Over one hundred thousand Holocaust survivors, and tens of thousands of other Americans who were forced laborers during the war live in the United States. These issues have great significance to them. Our policy on Holocaust issues also serves important U.S. foreign policy interests, such as maintaining close relations with Germany, a partner of ours in promoting and defending democracy for the last fifty years and a nation that is vital to both the security and economic development of Europe and, with Switzerland, a major trading partner. It also helps in the removal of impediments to greater cooperation and

unity among the nations of that continent. More broadly, the horrors of the Holocaust provided a lesson applicable to contemporary events. The firm action of the United States and NATO in Kosovo were motivated, in part, by an unwillingness to repeat the world's indifference to the plight of peoples subjected to genocidal persecution. UN judicial tribunals dealing with Rwanda and Kosovo build on the precedent of the Nuremberg trials. The bipartisan focus on human rights violations, from Chechnya to China, resonates with Holocaust-related issues.

SLAVE AND FORCED LABOR AND OTHER WRONGS

I would like to start with the current negotiations over slave and forced labor and other wrongs. The parties to these negotiations include the Conference on Jewish Material Claims against Germany, the lawyers for the victims, and the Governments of Belarus, the Czech Republic, Poland, Russia, Ukraine and the State of Israel. The United States Government, represented by myself, and the German government, represented by Count Otto Lambsdorff, co-chair the talks. They are focused on the establishment and funding of a new entity, to be created by the Federal Republic of Germany, to be called the Foundation for Remembrance, Responsibility and the Future. Through this Foundation Initiative, those who worked as forced and slave laborers and those who suffered at the hands of German companies during the Nazi era can receive recognition of their suffering and dignified payments.

These negotiations, which have been ongoing for the last year, through eleven formal negotiating rounds and innumerable other informal sessions, are proceeding in four phases: (1) agreement on the total amount of money available to the Foundation; (2) agreement on the allocation of that sum among different categories of claims and, in the case of forced and slave labor claims, by country; (3) legislation that must be passed by the Bundestag creating the Foundation and confirming the agreements made during the negotiation; and (4) an undertaking by the United States, to be confirmed in an Executive Agreement between our government and the German government, that it will support "legal peace" for German companies in the following manner: in any actions brought against German industry arising out of the Nazi era, our government will file in court a Statement of Interest requesting that, assuming the establishment of a comprehensive Foundation, the Foundation be the exclusive remedy for Nazi-era claims against German companies and that dismissal of such cases is in the U.S. foreign policy interest.

Last December, after hard negotiation, the first phase was completed. The German companies and government agreed to raise their combined contribution to the foundation's capitalization to 10 billion DM, half from German companies and half from the German government. This amounts to approximately \$5 billion under current exchange rates. That sum will cover all World War II injuries committed by German companies, including slave and forced labor to insurance, banking, Aryanized property and medical experiments. This offer was a substantial increase over the initial German proposal of 1.5 billion DM at the beginning of the process, 6 billion DM in October and a subsequent offer of 8 billion DM in November. All the parties to these negotiations accepted the 10 billion DM offer as the capped amount for the German Foundation and the sum that will resolve the lawsuits.

Two weeks ago, in Berlin, after another long and arduous negotiation, we successfully completed the second phase, an agreement on allocation. I would like to spell it out in some detail.

Of the 10 billion DM, 8.1 billion plus 50 million in anticipated interest earnings will be allocated to pay claims to slave and forced laborers and to others for personal injuries. One billion will go to property claims and insurance claims, as well as property and insurance humanitarian funds. 700 million DM will go into a Future Fund the purpose of which will be to promote tolerance and advance social programs, taking into account the heirs of forced laborers. 200 million DM will be used for administration of the Foundation.

The labor payments will be allocated among the Conference on Jewish Material Claims and five Reconciliation Foundations—in Poland, Ukraine, Russia, Belarus and the Czech Republic—created around the time of German reunification and funded by the German government to make payments to Nazi victims. An additional allocation will be made to an organization or organizations, yet to be designated, that will cover survivors living in the rest of the world, including the United States.

The Reconciliation Foundations in the five Central European countries will handle payments to all their citizens, including Jewish slave laborers. The Claims Conference will reach surviving slave laborers residing outside these five countries.

The agreed allocations, including an amount of estimated earned interest, are as follows:

Claims Conference—1.812 billion DM
 Poland—1.812 billion DM
 Ukraine—1.724 billion DM
 Russia—835 million DM
 Belarus—694 million DM
 Czech Republic—423 million DM
 Rest of the World—800 million DM
 Other Personal Injury (e.g. medical experiments)—50 million DM

The one billion DM for property issues will be divided as follows: 350 million for claims for which there is clear documentation and 650 million for humanitarian cases, in which the certitude of the documentation has been eroded by the passage of time. The humanitarian portion will be further divided between insurance and property. All property and humanitarian claims would go to those who must first certify their property was looted. The 350 DM for claims for which there is clear documentation will be divided even further: 150 million for claims where the taking of property was racially motivated, 50 million for all other property claims and 150 million for insurance claims, which will be supplemented by an additional 50 million DM generated from earned interest from the Foundation capital. There will be an additional reserve of 100 million DM in the Future Fund to cover additional insurance claims, creating the potential for 300 million DM in insurance claims, if required.

In phase three, the German cabinet has submitted to the Bundestag draft legislation creating the Foundation. The German Foundation will be established under German law. We welcome this because the Foundation is the vehicle through which the German Government will appropriate their five billion DM contribution, and because it will subject the Foundation to well established oversight and accountability requirements that charitable organizations in Germany must meet.

On February 16, I had the privilege of testifying before the Bundestag Committee on Domestic Affairs concerning the issues we believe still need to be resolved in the draft legislation creating the Foundation. I was particularly grateful for the opportunity to testify before the Bundestag, recognizing just how unusual it is to have a foreign government official testify concerning domestic legislation. Such an invitation underscores the unique and historic nature of this initiative.

I said in my testimony that the German legislation must embody the elements that are necessary for us to accomplish our goal: the creation of a comprehensive, fair, and transparent Foundation that will make payments to some one million victims of the Nazi era in return for assisting the German companies with achieving legal peace in U.S. courts. In the testimony and in subsequent meetings, I have reiterated that the legislation needs to reflect the compromises and agreements that were reached during the many months of negotiations on the substantive issues. I have reminded the Germans that if it fails to do so, it is unlikely that the plaintiffs' lawyers will in fact agree to dismiss their cases or that the U.S. Government can assist in providing the breadth of legal peace the German companies desire and deserve.

I believe the German Government fully recognizes the importance of passing legislation that the participants and the United States Government can support as faithful to our negotiations, and that it recognizes the importance of creating a structure and a process that, once enacted, can allow the legal peace German companies seek.

The most significant remaining issue regarding the legislation concerns the scope of the Foundation. The Foundation must be empowered to offer a potential remedy for any conceivable claim against German industry arising out the Nazi era. Without such universality, we will not be able to go before a U.S. court to state that the Foundation offers a remedy, that should be regarded by the court as the exclusive remedy, for *all* Nazi era suits against German companies.

During technical level talks with the German Government and companies this week, we had a productive discussion of this and all of the remaining issues. I am gratified that the Germans reaffirmed their intention to work with us to resolve these outstanding issues on an expedited basis. We understand passage of the legislation is expected by July, which would allow the Foundation to be up and running and to begin making payments by the end of the year.

It is critical for Congress and the American people to understand why the U.S. Government would provide Statements of Interest urging U.S. courts to view the German Foundation Initiative as the exclusive remedy for claims for Nazi-era claims against German companies and to indicate that dismissal of current and future suits is in the foreign policy interests of the U.S. Conventional litigation would be a highly unsatisfactory solution for elderly slave and forced laborers and others

injured by German companies during the War. The reasons why the German Foundation Initiative is a superior remedy are as follows:

First, the success of litigation is problematic, given the variety of legal defenses available. Already, federal judges have dismissed two of the cases.

Second, litigation would take years to reach fruition, with lengthy discovery, motions and appeals. Survivors average around 80 years of age and are passing away at a rate of some one percent a month. Thus, few survivors would benefit from litigation, even if it were successful. Even a classic class action settlement would take years to consummate, as the Swiss bank settlement underscores.

Third, any litigation would benefit only, at best, a small subset of surviving slave and forced workers, compared to the number who would benefit from the German Foundation Initiative. This is because the only survivors who could recover in such litigation are the few thousands who were employed—and could prove it under strict judicial rules—by the few German companies, less than 20, who were sued because they do business in the U.S. and are subject to the jurisdiction of our courts. By contrast, the Foundation Initiative will cover, under relaxed standards of proof, some one million workers, including those who worked for German companies now defunct or not subject to U.S. jurisdiction including SS companies and companies owned by the German government. Indeed, the German legislation will permit the Reconciliation Foundations in Central and Eastern European countries to even pay forced agricultural workers, if they wish to do so. For these groups of people, the Foundation Initiative represents the only possible avenue for obtaining a measure of long-awaited justice.

There has been a good deal of expectation and confusion over who will benefit from the successful conclusion of these negotiations. Let me emphasize a few points:

- American citizens who qualify will receive the same benefits as anybody else, and their applications will be processed by an organization or organizations in the U.S. Travel to Germany or elsewhere will not be required.
- If Congress approves, American citizens will be able to exclude their benefits from income under a tax provision in President Clinton's 2001 Budget that provides a clear statutory exemption for Holocaust-related reparations.
- No racial, ethnic or religious group will get favorable treatment. A slave or forced laborer, whether he or she is a Czech, Pole, Jew, Romanian or another nationality or religion will qualify if they meet the required definitions.
- Detailed explanations of exactly who is eligible and how to apply for a benefit will be widely publicized. These important details are still under negotiations. But, please be assured the outreach effort—once a settlement is concluded—will be comprehensive.

I am hopeful all victims, whether or not they will directly benefit, indeed all people of good will, will take real satisfaction in the knowledge that at least deserving Holocaust survivors and other victims of Nazism will get recognition for their suffering and at least some small measure of justice.

INSURANCE

With the encouragement and public support of the U.S. Government, the International Commission on Holocaust Era Insurance Claims (ICHEIC) was established in October 1998 by the National Association of Insurance Commissioners in cooperation with several European insurance companies, European regulators, representatives of several Jewish organizations, and the State of Israel. Chaired by former Secretary of State Lawrence S. Eagleburger, the Commission is charged with establishing a just process that will expeditiously address the issue of unpaid insurance policies issued to victims of the Holocaust. The International Commission launched its full-scale claims and outreach program in February of this year. Using relaxed standards of proof in dealing with outstanding claims from the Holocaust era, the ICHEIC process will ensure the opening of companies' files, the cross-checking of names with Yad Vashem's records of Holocaust victims, and further research into European archives to find names of potential claimants.

Secretary Eagleburger and the International Commission have supported our efforts in the negotiations to establish the German Foundation. Because the intended beneficiaries of the ICHEIC and the German Foundation are identical with regard to insurance, and because no insurance company should have to pay twice, the International Commission became part of this broader effort when Secretary Eagleburger agreed to work to link the ICHEIC with the Foundation. Secretary Eagleburger's support not only cleared a path for agreement on the insurance portion of the German Foundation allocation, but also helped set the stage for agreement on other allocation issues.

The insurance portion of the German Foundation settlement involves funds destined for the ICHEIC, both for claims and humanitarian purposes, the details of which are as follows:

- 200 million DM were allocated for all insurance claims: 150 million DM for those arising from the German market and from German companies' policies issued outside the German market. This amount also includes the German contribution to ICHEIC administrative expenses. In addition to this amount, a supplemental amount of 50 million DM (to be drawn from interest earned by the Foundation capital) was allocated to cover claims from the non-German markets of German insurance companies.
- 100 million DM will be held in reserve in the German Foundation Future Fund only to be drawn for insurance claims, should they exceed the allocated 200 million DM.
- 350 million DM were allocated for humanitarian purposes.

The German Foundation allocation decisions have not altered the internal workings of the ICHEIC. The legislation that will establish the Foundation recognizes that ICHEIC procedures will govern the processing of all claims against German insurance companies brought to the Foundation. ICHEIC should be, in our view, the exclusive remedy for these claims. The draft legislation before the Bundestag provides that the funds allocated to the Foundation for all insurance claims payments will be passed through to the ICHEIC; that these funds will include payments for humanitarian insurance purposes and that this money will be for the sole benefit of and administered by ICHEIC.

The issue remaining is whether all German insurance companies will join the International Commission. Count Lambsdorff has on several occasions expressed his confidence that, with the International Commission's approval of this insurance allocation, all German insurance companies that issued policies during the Holocaust era will join both the Foundation and the ICHEIC and follow ICHEIC's claims procedures. He has promised his best efforts to accomplish this goal.

We commend the five European insurance companies that have joined the ICHEIC—Allianz, Axa, Generali, Winterthur, and Zurich. We strongly encourage all insurers that issued policies during the Holocaust era—especially those in Austria, and those in the Netherlands such as Aegon—to join the International Commission and participate fully in its programs. The ICHEIC is the best and most expeditious vehicle for resolving insurance claims from this period, and membership in the International Commission provides the only real way of both ensuring that valid claims are paid and resolving international moral and humanitarian responsibilities for heirless and nationalized claims or those against companies no longer in existence.

U.S. Government support for the International Commission on Holocaust Era Insurance Claims includes recognition that the MOU signed by the five ICHEIC member companies gives those companies cooperating with the Commission "safe haven" from sanctions, subpoenas, and hearings relative to the Holocaust period. I recently wrote to the state insurance commissioners in Washington State and California, emphasizing my strong support for the international efforts to create a claims settlement process under the International Commission and stressing that, in their legitimate concern for Holocaust survivors, proposed actions in these states could undermine the work of the ICHEIC.

AUSTRIA

The entry of the far-right Freedom Party into a coalition government with one of Austria's mainstream parties, the conservative People's Party, has caused great concern both here and in Europe. President Clinton and Secretary of State Albright have made clear our concerns with past statements of the Freedom Party, which seem to have condoned intolerance and attempted to explain away the Holocaust. However, in the preamble to the coalition agreement, signed by both parties, the new Austrian government has promised to uphold democracy, tolerance and human rights and to condemn discrimination. We are watching developments in Austria closely to ensure that the government lives up to its promises. We will look at what the government does, as well as what it says. One important benchmark in this regard is how the new government will deal with unresolved Holocaust issues.

I am pleased to report progress in the area of forced and slave labor compensation. In early February, the new government appointed the former head of the Austrian central bank, Dr. Maria Schaumayer, as the head of a new office to deal with these issues. In an initial negotiating round on March 20, Dr. Schaumayer outlined to me her government's plans for handling forced and slave labor. The Austrian pro-

gram would closely parallel the German foundation initiative and consist of the following elements:

- a joint effort between the Austrian government and industry;
- coordination with the German effort to assure that the German foundation covers slave laborers in Austrian concentration camps;
- coverage by the Austrian fund of Hungarian Jews who were forced into labor outside of the concentration camp system;
- compensation levels that would parallel those in the German effort; and
- coverage for agricultural labor.

She also outlined an ambitious timetable that would involve passage of legislation by July, if the question of legal peace could be resolved by then, and commencement of operation of the fund by the end of this year.

Dr. Schaumayer and I agreed that we would try to have two more meetings on forced and slave labor by the middle of May: one in Washington at the end of April; and Dr. Schaumayer and I will have another round of talks in May in Vienna.

While we are pleased with these commitments, the government also needs to address restitution and compensation issues. There had been a restitution effort in the 1950s and 1960s, but it had some gaps, and there may have been problems with implementation. Dr. Schaumayer said that the Austrian government may take up restitution once forced and slave labor compensation efforts are well underway. Our government will continue to convey to Austrian officials our hope that there can be an acceleration of their efforts on restitution. We hope that Austrian officials understand our concerns, and that the government plans to deal with restitution issues soon. As I have already noted, we will be watching developments in Austria closely to ensure that the government lives up to the preamble in the coalition agreement, and one important benchmark in this regard is how the new government will deal with unresolved Holocaust issues, including restitution.

SWISS BANK SETTLEMENT

Swiss banks have agreed to pay \$1.25 billion to settle lawsuits brought on behalf of victims who sent their funds to Switzerland for safekeeping and whose heirs had been refused access to those funds for over fifty years, and other victims with a relationship to the banks. The Volcker Commission found some 26,000 people who very probably had such accounts. The court is in the process of reviewing the fairness of the settlement and is trying, with the help of Yad Vashem in Jerusalem, to find their heirs so they can recover.

There has recently been progress after a four-month delay. Judge Korman, the presiding judge of this Holocaust victims assets case, had postponed his contemplated ruling on the fairness of the settlement to await the Swiss Federal Banking Commission decision on implementation of the Volcker recommendations of December 6. On March 30, the Swiss Federal Banking Commission authorized Swiss banks to publish the 26,000 accounts that are deemed by the Volcker Committee to have a probability of being related to Holocaust victims.

In addition, the Commission authorized the banks to create a central database containing these accounts plus another 20,000 that may be related to Holocaust victims. We hope that the banks continue to support the Claims Resolution Tribunal, which is necessary to process claims relating to the new accounts. We also hope that a database will be put in place in line with the recommendations of the Volcker Committee. In early December, that Committee recommended to the Swiss authorities that the databases and other documentation that were assembled on the approximately 4.1 million accounts that existed in Swiss banks during the 1933-45 period, now dispersed in over 50 locations throughout Switzerland, be centralized in one archive. The Committee believes this is an essential part of the deposit claims resolution process that will consider not only claims to accounts the names of which have already been published, but also claims from other sources. The Board of Trustees of the Claims Resolution Tribunal, which includes members of the Swiss banking community, endorsed this recommendation. Judge Korman also said the recommendation should be implemented. However, the Swiss Federal Banking Commission stated on March 30 that it viewed this recommendation as neither necessary nor meaningful. I will confer with Paul Volcker on how the objectives of the Committee's recommendations can be achieved and keep this Committee informed.

The stage is now set for other steps that are expected in the near future relating to the Court's access to a refugee database and a list of German companies whose assets were frozen in Switzerland during the War. Once the Court obtains this and other information, such as information relating to insurance matters, it will be in a position to rule on the fairness of the settlement. Thereafter, the Special Master

of the Court will be directed to submit his plan of allocation and distribution, and the Court will then hold a final hearing on the settlement.

NAZI GOLD

Two massive U.S. Government studies were completed in 1997 and 1998. The first discovered that over \$4 billion in gold stolen by the Nazis was smelted into gold bars and converted, mostly through the Swiss National Bank, into hard currency the Nazis used to buy what they needed from neutral countries. Six tons of gold still in the hands of the Tripartite Gold Commission was owed to central banks of various nations. We found some of this gold had, in fact, been taken from Holocaust victims, not just from central banks, and had been smelted into disguised gold bars. The second study documented the role of neutral countries in supporting the Nazi war effort.

The December 1997 London Conference on Nazi Gold established the Nazi Persecutee Relief Fund to provide assistance to needy survivors of Nazi persecution. Seventeen countries have pledged \$61 million. Congress appropriated \$25 million over a three-year period. We allocated the first year's tranche of \$4 million to the Conference on Jewish Material Claims Against Germany to provide support to survivors living in Eastern and Central Europe. We are now in the process of allocating the second tranche of \$10 million. I am suggesting that half go for the benefit of former slave and forced laborers, \$4.5 million to the Claims Conference and \$500,000 to several Holocaust education and research projects.

ART RESTITUTION

At a conference in Washington in December 1998, forty-four nations reached consensus on a set of principles designed to try to find some of the 600,000 artworks stolen by the Nazis and their collaborators and return them to their pre-War owners. Some museums are implementing those principles, along with their own guidelines, to take the initial steps in returning art stolen by the Nazis to its rightful owners. Many of our largest museums have been going through their collections, seeking to identify works that may have been looted by the Nazis.

An excellent example of thorough research has been demonstrated by the National Gallery in Washington in a three-year project. From its inception, the National Gallery has conducted extensive research into the provenance of paintings in its collection, with particular attention over the past several years to the World War II era. The Gallery was in a unique position to accomplish this research because of a number of factors. It was able to devote a knowledgeable researcher full-time to the project. It has always had all its curatorial files on painting and sculpture in its collection physically located in one place. It is in the middle of a multi-year project to publish a systematic catalogue of its entire collection, which entails intense ongoing research on provenance by Gallery curators and outside authors. Its entire collection is on a database which includes all known provenance information. The Gallery's location in Washington makes it relatively accessible to the National Archives in College Park where much of the data needed for Holocaust research is located. And the Gallery itself is the repository of important relevant records, such as the personal papers of people involved in the post-war restitution efforts and records from the Munich Central Collecting Point, to which stolen art hidden by the Nazis was shipped when uncovered by Allied armies.

In the course of its research, the Gallery discovered that eight paintings in its collection had in fact been looted during the War. Archival research, however, uncovered documentation indicating that each of these works had been returned to its rightful owner after the War. A ninth painting, Frans Snyders' "Still Life with Fruit and Game," was discovered to have gone through the hands of Karl Haberstock, a dealer known to have been involved with looted art. Despite careful research, the ownership history of this painting has not yet been established.

The National Gallery has made its entire collection available on its website, including known provenance information for all paintings and sculpture in the collection. It has made World War II provenance information easily accessible by providing expedited search capabilities, such as the ability to search provenance history by names of former owners and dealers associated with Gallery works of art. The Gallery's curatorial files and its World War II archival resources are also available on-site for research. The Gallery welcomes any information that would augment or clarify the ownership history of objects in its collection. I am submitting for the record an example of what is available on the National Gallery's website.

The effort is not just confined to the largest museums. The North Carolina Museum of Art announced recently that one of its paintings, "Madonna and Child in a Landscape," by the German master Lucas Cranach the Elder, had been stolen by

the Nazis and is actually owned by the heirs of a Viennese physician. In keeping with the Washington Principles, the Museum researched the question of provenance, working in cooperation with the Holocaust Claims Processing Office of the State of New York and the Commission for Art Recovery of the World Jewish Congress and is in the process of returning it.

On the international scene there has been some progress in the area of art restitution. The Cultural Committee of the Council of Europe prepared model legislation on the return of Jewish cultural property, which the Parliamentary Assembly of the Council adopted last November. We hope this model will engender new legislation on this subject in European national parliaments, similar in scope to the groundbreaking restitution law adopted by Austria in 1998.

The ten national museums and galleries of the United Kingdom are engaged in intensive provenance research to discover works that fall into the category of looted art. They have published, or are publishing, lists of works in their collections, the whereabouts of which, following initial research, cannot with certainty be specified for the whole period 1933-45, and are appealing to the public for help in finding out more information about the provenance of these works. In addition, the United Kingdom has established a "Spoilation Advisory Panel" to hear claims for Nazi-confiscated art.

Germany's Cultural Minister of State recently announced that Germany will inaugurate a website to help restore Nazi-confiscated art to its rightful owners. All major German museums were called upon to inspect the provenance of the artwork in their possession. Any artwork—including coin collections and artifacts—that is found to have unclear provenance will be publicized, with pictures, on the website. Restitution would not be affected by the German Foundation Initiative. This German art initiative follows the lead of the web site the French government has operated for many years to display art returned to France after the war but never claimed.

The Lithuanian Government announced at the end of January that, under the auspices of the Council of Europe, it was inviting representatives of the world community to a forum on cultural properties of Holocaust victims to be held in Vilnius in October.

I would like to include for the record the implementing principles adopted by the American Association of Museums entitled, "Guidelines Concerning the Unlawful Appropriations of Objects During the Nazi Era." I also ask that the Statement by the Federal German Government, the Laender (Federal States) and the national associations of local authorities on the tracing and return of Nazi-confiscated art, especially from Jewish property, be included in the record of this hearing.

In December 1998, at the Washington Conference, the Russian Delegation invited Holocaust survivors and their heirs to claim looted artwork captured by the Soviet Forces at the end of World War II. The Russian Constitutional Court has upheld legislation that would permit the restitution of art confiscated by the Nazis from victims of persecution. However, this will be a hollow commitment unless Russian art archives are opened. The Russian government subscribed to the Washington Principles on Art and has indicated a willingness to open these archives, but has not as yet done so, at least in part because of financial constraints. We have been approached by several groups interested in cooperating with the Russians on cataloguing art in Russian depositories. We encourage such an initiative and would be happy to facilitate such an effort. One idea is to create an NGO to make grants that would help establish a reliable database of Nazi confiscated art in Russia and assist in the identification of rightful owners.

COMMUNAL PROPERTY

During the Nazi era, the Germans seized a great deal of property in Central and Eastern Europe that belonged to religious organizations—churches and synagogues. The property was converted into commercial, social and municipal facilities. Jewish communal property was a particular target, as seizing it advanced the Nazi goal of eliminating all traces of Judaism and the Jewish people from the continent.

The successor communist governments for the most part did not restore these properties to their original owners but used them in much the same manner that the Nazis did. Thus when the Iron Curtain was lifted, the new states of Central and Eastern Europe faced a massive task of deciding how to deal with this property, much of which had been exploited for non-religious purposes for over a half century.

Changing property ownership and use after such an extended period of time is a difficult and complex undertaking. At the same time, governments must realize that honoring property rights is a pre-requisite to participating in the international marketplace and in attracting investment from abroad. While this may be initially

expensive and politically sensitive, sound property restitution systems are clearly in the interest of all the Central and Eastern European countries. The nations of Western Europe, as well as the U.S., adhere to high standards when it comes to private property rights, including restitution. As the Central and Eastern European countries are fully integrated into Western institutions, they should realize the importance of sound property restitution laws.

In my discussions with government officials since the mid-1990s, I have emphasized a number of principles that seem to me to be important in addressing property restitution issues. These principles include:

- Equitable, transparent and non-discriminatory procedures to evaluate specific claims.
- Access to archival records and use of alternative forms of evidence if primary documents no longer exist.
- Implementation of restitution policies at national, regional and municipal levels.
- Non-discriminatory procedures, without citizenship or residence requirements.
- Clear and simple legal procedures.
- Implementation of court decisions on the basis of equality and non-discrimination.
- Priority of restitution claims before privatization occurs.
- Provisions for the present occupants of restituted property.
- Transfer of clear title including the right of resale, not simply the right to use property, which could be revoked at a later time.
- Restitution or compensation for communal property irrespective of whether the property had a religious or secular use.
- Establishment of foundations, managed jointly by local communities and international groups, to aid in the preparation of claims and to administer restituted property.
- Protection of cemeteries and other religious sites.

Appended to my written testimony is a country-by-country summary of property restitution issues. There has been some progress since I commenced my activities in this area in 1995, but much remains to be done. Romania, for example, still lacks a comprehensive law on the restitution of private residential property. The newly independent states of the former Soviet Union have dealt with both private and communal property in only a cursory manner.

Poland merits more detailed attention because of the large amount of potentially restitutable private and communal property in that country and recent developments. In September of last year, the Polish government submitted to Parliament private property legislation that was non-discriminatory in terms of allowing former Polish citizens and their heirs who now live outside of Poland to file property claims. However, in December a parliamentary committee added restrictive residency requirements which we believe are discriminatory. We have raised this issue with senior visiting Polish officials here in Washington and our Embassy has raised it in Warsaw. In addition, I believe that Congressman Christopher Smith, Chairman of the Commission on Security and Cooperation in Europe, sent a letter to the Polish Ambassador to the United States, and other Members of Congress have considered contacting the Parliament directly. Polish government officials have assured us that they strongly favor the draft submitted by the government and are opposed to the amendments. They have promised to work to restore its original intent before it is reported to the floor. Congress' help with the Polish Parliament would be very timely.

Notwithstanding the forthcoming attitude of the Polish government, communal property in Poland poses a special problem as the Holocaust and subsequent emigration has reduced the Jewish community in that country to approximately one percent of the pre-World War II population. The small remaining community has made substantial progress in claiming communal property but it was obvious at the time that communal property legislation was passed approximately three years ago that the community would not be able to claim, manage and maintain the property to which it was entitled without some outside assistance. The answer to this problem appeared to be the establishment of a joint foundation by the World Jewish Restitution Organization and the Polish Jewish communities. Negotiations between the two groups broke down last year. To get the two parties back to the negotiating table, I asked Ambassador Henry Clarke to serve as a mediator. In four negotiating sessions since last fall, Ambassador Clarke has helped the parties to find solutions to some of their differences. I am hopeful that the foundation can be organized in the near future. It would be tragic if further delays prevented the prompt return of communal property in Poland.

HISTORICAL COMMISSIONS

Eighteen nations currently have commissions examining their role during World War II, some of whom abetted the Nazi cause, gave haven to war criminals and facilitated the flow of confiscated assets. They are: Argentina, Austria, Belgium, Brazil, Croatia, Estonia, France, Italy, Latvia, Lithuania, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom, and the United States. In addition, the Government of Slovakia has agreed to create a commission. Some commissions have already made their reports, with varying degrees of thoroughness and candor. The most comprehensive thus far have been the two reports published by Switzerland, the first on how Swiss banks helped the Nazis use stolen gold to finance their war machine; and the second on how and why Swiss authorities closed the border to refugees attempting to flee Germany. In our own country, a Presidential Commission headed by Edgar Bronfman is investigating the circumstances under which Nazi money, property and other assets flowed through the hands of the U.S. Government during the War and particularly after the War.

ARCHIVES

Archival openness is essential, not only to assist in making claims and advancing scholarship, but so that every country can honestly confront its behavior during these difficult years and draw the lessons needed to advance tolerance and social justice. It is important, for example, that the Russians open up their archives on Raul Wallenberg and museums in all countries allow scholarly and provenance research into their collections.

At a conference in Stockholm last month, attended by delegates from 46 nations, a declaration was agreed to calling for opening up archives containing information on the Nazi-World War II era. In addition, following my request to Count Lambsdorff, he has informed me that many of the companies involved in the German slave/forced labor initiative have agreed to open their archives from this era to legitimate historical research. Some have done so already. We are encouraging the broadest participation of German companies in this effort at openness.

The Vatican has authorized a group of Jewish and Catholic scholars to thoroughly review its collection of published documents from the Nazi era, with the purpose of raising appropriate issues. The Vatican is both a religious seat and a secular state conducting diplomatic relations. The questions that have been raised concerning Vatican policies during the Nazi era should relate solely to its latter role. This scholarly initiative is a small step forward toward archival openness, in keeping with Pope John Paul's inspirational leadership in bettering Catholic-Jewish relations, most recently exemplified by his moving words at the Holocaust Memorial at Yad Vashem and his symbolic appearance at the Western Wall during his recent trip to the Holy Land. We hope it will lead to additional measures for archival openness.

EDUCATION AND REMEMBRANCE

As we proceed with addressing Holocaust-related issues, it is important to move from money to memory. The last word on the Holocaust should be the memory of its victims and the teaching of its enduring lessons. I had the distinct honor of leading the U.S. delegation to the Stockholm International Forum on the Holocaust in January. The Stockholm Forum, appropriately the first major conference of the new millennium, was an outstanding success and built upon the previous Holocaust conferences held in London and Washington. Twenty heads of state and government and delegations from 46 countries attended. Only his prior commitment to deliver the State of Union address prevented the President from attending.

Delegates committed their countries to promoting Holocaust education and remembrance, encouraging the study of the Holocaust in schools and universities, and in taking all necessary steps to open relevant archives. As embodied in the "Stockholm Declaration," a copy of which I enclose for the record. These commitments, made by national political leaders, are unprecedented, and in the words of Holocaust survivors with whom I spoke, "monumental" and "historic." Argentina, Bulgaria, Latvia, and Lithuania requested the nine country International Holocaust Education Task Force to begin liaison projects on teaching the Holocaust with them, and, along with Ukraine, expressed interest in Task Force membership.

The concept of the Stockholm Forum was the personal initiative of Swedish Prime Minister Persson. In addition to the leadership and inspiration he gave to the Forum, he also demonstrated exceptional political leadership in exploring the historical truth of Sweden's wartime neutrality and in remembering the horrible crimes of the Holocaust era.

The work of the International Holocaust Education Task Force continues. It is translating the experience and expertise gained in teaching the Holocaust in countries that are members of the Task Force to other countries, helping them to develop Holocaust education and remembrance in their societies. There has been a successful project in the Czech Republic aimed at training in the teaching of the Holocaust, and similar projects have been requested by other countries.

To help support such activities, the Task Force last month established an endowment fund, to be administered by the Swedish Ministry of Foreign Affairs. Our government strongly supports this fund, and hopes to be able to announce a contribution in the near future.

In the same Stockholm Declaration of which I spoke, the participating nations committed their countries to promoting Holocaust education and remembrance, and encouraging the study of the Holocaust in their schools and universities.

PRESIDENTIAL COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES

Mr. Chairman, my friend and partner in many of these endeavors, Edgar M. Bronfman, is testifying here today in his role as Chairman of the Presidential Advisory Commission on Holocaust Assets in the United States. While I am a member of that Commission, I will defer to him and not address the Commission's work today.

I would like to note to the Committee that on March 28, the President sent to the Congress a supplemental appropriations bill that included \$1.4 million for the Presidential Commission.

In the course of the Presidential Commission's work, we have discovered new areas of inquiry that must be examined. Among the projects the supplemental would support are a review of agreements that may have existed between the United States and Western European countries regarding the restitution of property to individuals; a review of bank and travel agent records of assets transferred to the United States by Holocaust victims; and the cross-matching of names of Holocaust victims with unclaimed property lists.

Because the Presidential Commission will deliver its final report by the end of December, it is extremely important that these authorized funds be appropriated as soon as feasible so that the Commission can make use of them while it is still conducting its research. We have urged other countries to establish historical Commissions to examine their own nations' role during that period. We have urged them to be complete and transparent in their research. We can do no less.

The Administration strongly supports this proposal, and I ask the members of the Senate to act on it expeditiously.

NAZI WAR CRIMINAL RECORDS INTERAGENCY WORKING GROUP

The Nazi War Crimes Disclosure Act calls for identification, declassification and public access to millions of pages of Nazi war criminal records by a deadline of January 2002. The Nazi War Criminal Records Interagency Working Group (IWG) oversees the project, which includes searching for records, analyzing them, monitoring and auditing the declassification process, maintaining a IWG database, preparing and describing the records for presentation to the public in usable form, and assuring that war-time records in poor physical condition survive to be seen by the public. This last includes copying, microfilming, digitizing, and conservation treatment of highly acidic, yellowing, and crumbling wartime paper. The work the IWG is doing is very important work, none more important to the public and to the future than assuring that the records survive.

Attachments.

[National Gallery of Art—World War II Provenance Research]

WORLD WAR II PROVENANCE RESEARCH

PROVENANCE RESEARCH OVERVIEW

From its inception, the National Gallery of Art has conducted extensive research into the provenance, or history of ownership, of paintings in its collection, with particular attention over the past several years to the World War II era. In the course of this research it was discovered that eight paintings in the collection had in fact been looted during the war. Archival research uncovered documentation proving that each of these works of art had been returned to its rightful owner after the war. A ninth painting, Frans Snyders *Still Life with Fruit and Game*, was discov-

ered to have gone through the hands of Karl Haberstock, a dealer known to have been involved with looted art. Despite careful research the ownership history of this painting has not yet been established. These nine paintings are displayed on this page¹ with links to their ownership history. Wartime histories, including extensive archival references, are documented in their provenance footnotes. (See information on how to read Gallery provenance texts.)

Several of these paintings had been confiscated by the Nazi Einsatzstab Reichsleiter Rosenberg (ERR) from private French collections and stored at the Jeu de Paume in Paris. Captured German records, now at the *National Archives in College Park, Maryland*, have been used to trace the confiscation and subsequent dispersal from the Jeu de Paume. Most of the Gallery paintings confiscated in this manner were discovered in salt mines in southern Germany and Austria by the Allies in the last days of the war, and were removed to the *Munich Central Collecting Point*. Records from the Munich Central Collecting Point document the restitution of the paintings to their countries of origin where pre-war owners or heirs claimed them. Other paintings now in the National Gallery were recovered after the war and returned to owners in Liechtenstein, Austria, and Holland.

The National Gallery of Art provides known provenance information on this Website for all paintings and sculpture in the collection. This research is an ongoing project, and the Gallery welcomes any information that would augment or clarify the ownership history of objects in its collection.

Related Publications

Captions:

1. *Camille Pissarro, Place du Carrousel, Paris, 1900*
2. *Henri Fantin-Latour, Self-Portrait, 1861*
3. *Henri Matisse, Pianist and Checker Players, 1924*
4. *Jean-Baptiste-Camille Corot, Madame Stumpf and Her Daughter, 1872*
5. *Attributed to Hans Holbein, the Younger, Hans Holbein, the Younger, Portrait of a Young Man, c. 1520/1530. (*See additional information below.)*
6. *David Teniers II, Peasants Celebrating Twelfth Night, 1635*
7. *Luca Signorelli, The Marriage of the Virgin, c. 1491*
8. *Sir Peter Paul Rubens, Tiberius and Agrippina, c. 1614*
9. *Frans Snyders, Still Life with Fruit and Game, 1615/1620*

*Attributed to Hans Holbein, the Younger. *Hans Holbein, the Younger* German, 1497/1498–1543, "Portrait of a Young Man," c. 1520/1530, oil on panel, painted surface: .220 x .170 m (8⁵/₈ x 6³/₄ in.), support: .232 x .183 m (9¹/₈ x 7¹/₄ in.). Samuel H. Kress Collection 1961.9.21.

Provenance

Possibly a member of the de Rothschild family, Vienna, from about 1850.[1] Baron Louis de Rothschild, Vienna, probably by inheritance, by 1931:[2] (Rosenberg & Stiebel, New York, put on consignment with M. Knoedler & Co., New York, May, 1947; transferred to Knoedler's regular stock in June with a portion owned by Rosenberg & Stiebel);[3] purchased 1952 by the Samuel H. Kress Foundation, New York; gift 1961 to NGA.

[1] Not verified, but likely, stated in Ludwig Baldass, "Ein Fruhwerk Hans Holbeins des Jungeren." *Kunstchronik und Kunsiliteratur*. Beilage zur Zeitschrift fur bildende Kunst. 7/8 (1931): 61, and in M. Knoedler & Co. invoice of 6 February 1952 in NGA curatorial files.

[2] This painting was confiscated by the Nazis from the Louis de Rothschild collection in Vienna in 1938 and destined for Hitler's planned museum in Linz. It is listed on the 20 October 1939 *Vorschlag sur Verteilung der in Wien beschlagnahmte Gemaelde: Fuer das Kunstmuseum in Linz* prepared by Hans Posse and also his *Verzeichnis der fuer Linz in Aussicht genommenen Gemaelde* dated 31 July 1940 (OSS Consolidated Interrogation Report #4, Linz: Hitler's Museum and Library, 15 December 1945, Attachments 72 and 73, National Archives RG226/Entry 190B/Box 35, copy NGA curatorial files). The records of the Munich Central Collecting Point indicate that the painting was recovered by the Allies and restituted to Austria on 25 April 1946 with Rothschild as the presumed owner. (Munich property card #2306/7; Austrian Receipt for Cultural Property no. IIIa, item no. 29; copies in NGA curatorial files.)

[3] Letter of 10 April 1987 to John Hand from Gerald G. Stiebel, Rosenberg & Stiebel, in NGA curatorial files, gives their source for the picture as the Vienna

¹To view image and complete ownership history access the Gallery's Website at <http://www.nga.gov/collection/provfeat.htm>

Rothshilds; letter of 2 March 1988 to John Hand from Nancy C. Little, M. Knoedler & Co., in NGA curatorial files, describes the consignment to them from Rosenberg & Stiebel.

Associated Names

- Knoedler & Company, M.
- Kress Foundation, Samuel H.
- Munich Central Collecting Point
- Rosenberg & Stiebel Inc.
- Rothschild, Louis de, Baron

World War II Provenance Research: Related Publications

Hector Feliciano, *The Lost Museum*, New York, 1997

Lynn H. Nicholas, *The Rape of Europa*, New York, 1994

Jonathan Petropoulos, *Art as Politics in the Third Reich*, University of North Carolina Press, 1996

Jonathan Petropoulos, *The Faustian Bargain: The Art World in Nazi Germany*, New York, 2000

Elizabeth Simpson, ed. *The Spoils of War: World War II and its Aftermath: The Loss, Reappearance and Recovery of Cultural Property*, New York, 1997

[Supplementary information to testimony by Stuart E. Eizenstat]

RESTITUTION OF COMMUNAL AND PRIVATE PROPERTY IN EASTERN AND CENTRAL EUROPE

Belarus

There is no prospect for appropriate legislation in Belarus for the restitution of communal or private property.

What property restitution does occur, consequently, takes place on an ad hoc basis through agreements worked out with local government authorities, usually—although not always—in exchange for some amount of negotiated compensation. Data on property restitution is either unavailable or appears to be contradictory.

No exact data on returned properties is available. According to the Union of Religious Jewish Congregations, only six properties have so far been returned to the Jewish community. A second Jewish organization believes that more property has been returned. Data from Belarusian authorities has so far been unavailable.

Two properties in total have reportedly been returned to the Moslem community. One local Moslem leader claimed that his community is satisfied with this figure given its current size, and does not expect or seek other properties because they were all destroyed during World War II.

The Orthodox Church has reportedly been able to obtain several properties, largely because of support from the central government. The Catholic Church is currently in possession of approximately 300 properties, but still has some outstanding property restitution issues.

Bulgaria

Implementation of existing restitution legislation for both communal and private property continues to be slow as applicants must submit numerous documents and authorities assigned to decide cases often lack sufficient resources to meet deadlines.

Non-Bulgarian citizens are eligible to receive property confiscated during the fascist and communist periods, but if they are not permanent residents of Bulgaria they must dispose of (sell) the property. Forest and farmland can only be returned to Bulgarian citizens.

The Rila Hotel, a valuable downtown Sofia property claimed by the Jewish community, has been a particularly controversial restitution case. The government is also a part owner of the hotel and through a series of legal maneuvers has successfully blocked restitution proceedings. At the government's request, two hearings in March 2000 were postponed, following a pattern set in the late 1990's. A proposal to privatize the hotel by selling the state-owned company that currently manages the property further complicates the issue. The government has also declined to vacate portions of a Sofia building (Saborna Street) partially restituted to the Jewish community. The Embassy is monitoring these cases carefully.

Croatia

A 1997 law governs restitution of property in Croatia. Croatia's constitutional court in April 1999 annulled six provisions of the January 1997 law on property taken during Yugoslav communist rule. In particular, the ruling eliminates provi-

sions under which restitution or compensation for confiscated or nationalized property was reserved exclusively for Croatian citizens. The Court indicated that Parliament had one year to ensure that the law conformed with the Court's ruling. When implemented, this decision will allow U.S. and other non-Croatian citizens to file for restitution or compensation for property seized during the socialist period.

Immediately after taking power in 1945, the communist Yugoslav government declared null and void government seizures of property, principally Jewish and Serb assets, during the period of the fascist regime, 1941-1945. The communists, however, then nationalized many of those same properties, especially the larger ones. These properties are subject to relief under the 1997 law and the April 1999 Constitutional Court decision.

The Vatican, on behalf of the Catholic Church in Croatia, signed a bilateral agreement with the GOC on October 9, 1998 for the restitution of church property. There are no similar agreements between the GOC and other religious entities or orders. The Serb Orthodox community has received restitution of or compensation for several properties. The Croatian Jewish community's experience has been similar to that of the Serb orthodox community.

In June 1998, the GOC enacted a program enabling persons who fled the former occupied sectors in Croatia after 1990 (i.e. areas occupied by Serbs in the recent conflict and then recovered by Croatia), to reclaim their citizenship and property. However, there are no mechanisms to implement this program. The return of such properties is therefore slow.

Czech Republic

Widespread skepticism and ambivalence toward the role of the church in society continue to impede progress in resolving outstanding claims for communal property restitution. After a rocky beginning, the current government created two national commissions—a "political" and an "expert" commission—to address church-state relations. The commissions, which began meeting in March and May 1999, respectively, are expected to develop legislation in 2000 on the return of church property, primarily income-generating property claimed by the Catholic Church. Only two minor, center-right parties in parliament—the Christian Democrats and the Freedom Union—consistently support the restitution of the claimed property.

Most Jewish communal property once in the hands of the Czech national government and the city of Prague has been returned, amounting to about one-third of the 202 properties the Jewish community wants restituted. Much of the remaining two-thirds consists of communal properties held by other local authorities or turned over to third parties. These properties were not covered by the 1994 decree that returned property held by the national government. Whether parliament has the legislative power under the constitution to require local authorities to restitute the property has not been decided. Recent press reports indicate that in late January 2000 the Government completed draft legislation concerning Jewish properties, but the legislation has not yet been submitted to parliament.

A separate national commission was formed in November 1998 to examine property restitution issues arising from the Holocaust, including both individual and community real property and other assets held by victims of the Nazis before World War II. Restitution in this context seems to enjoy greater government support.

In August 1999, the Czech president signed a law that permits Czech Americans who lost their Czech citizenship between February 1948 and March 1990 to reapply to become Czech citizens without losing their U.S. citizenship. Additional legislation would be required for these Americans to obtain restitution of their former property. The government maintains that it has already turned most of the property of these Americans to other claimants, primarily relatives of those who emigrated.

Hungary

Hungary was an early leader in passing and implementing legislation for private and communal property restitution and compensation. Several thousand religious community property claims have been resolved through negotiation or by government decisions, and about \$100 million has been paid in compensation. Approximately 800 properties remain under negotiation between the government and the Catholic Church. In October 1998 the Jewish community waived claims to about 150 properties in exchange for annual support payments from the government (which other religious organizations also receive); the Jewish community has actually received four or five buildings in restitution and is negotiating for another 10 to 15.

Private property has been restituted under a 1992 law, amended in 1997, which has no citizenship or residency requirement. Hungarian Holocaust victims receive a modest monthly pension from a foundation that receives government compensation for heirless private Jewish property.

Latvia

Latvian law provides for the restitution of confiscated property to former owners or their heirs. The law does not discriminate on the basis of citizenship or residency. If the original property cannot be returned, local authorities offer another property or compensation in the form of vouchers. Most communal property cases, Jewish and Christian, have already been adjudicated and property rights restored, although a few long-standing cases are still being negotiated. Private properties now occupied by economically productive facilities have been particularly difficult to resolve. Because of the difficulty in establishing comparative values, claimants are frequently reluctant to accept alternative properties or vouchers. Although agreement is usually reached, six cases this year went to the courts. Two were decided in favor of the plaintiffs.

This month the World Bank will begin a program to assist Latvia in the development of a comprehensive land and title registration and verification system. The goal of this program is to support the development of a real estate market and allow for better market valuation of land and property.

The Latvian Hebrew religious community originally filed for 24 properties of which 13 have now been returned. One hospital was returned this summer. The community has filed for the restitution of a school building in downtown Riga currently controlled by the education ministry and rented out as office space. If negotiations with the government fail, the community will probably take the issue to court. The community wishes to use the building for a Baltic rabbinical seminary.

Lithuania

Lithuania has restituted both private and religious property, but the government has not always turned over buildings awarded to religious communities by the courts. The Catholic community has been more successful in having property returned to it than the Jewish community, which is badly splintered. As in other countries, the Jewish community cannot afford to repair or maintain all of the religious property it has received, which includes 26 synagogues. The Ministry of Justice in May 1999 recognized the Chabad Lubavitch as a traditional religious community, a step that allows that group to claim property.

The definition of religious property excludes communal property used for secular purposes. In March 1999, the government prepared a draft law which would redefine communal property to include social facilities, schools and sports clubs, and would be applicable to all ethnic and religious groups in Lithuania. We have long urged such a broader definition of communal property and very much hope this law will receive prompt parliamentary approval.

The Lithuanian government is also considering the establishment of a special foundation to receive property and funds for use of the Jewish community, and to provide protection for cultural monuments.

Lack of funds for compensation and protracted bureaucratic delays are the main obstacles preventing the return of private property. Lithuanian law provides for the restitution of private property to Lithuanian citizens. Those U.S. citizens of Lithuanian origin who have reclaimed their former citizenship qualify, and some of them have been able to make successful claims in Lithuanian courts. However, while the Lithuanian government removed the residence requirement for property restitution, the deadline for filing claims has now passed. Non-Lithuanian citizens cannot claim property.

Statistics on the overall number of properties returned are not available.

Moldova

A number of laws, decrees, judicial decisions and local practices govern restitution in Moldova. There is no citizenship or residence requirement.

Moldova has returned most of the properties of the Moldovan Orthodox Church, mainly through administrative means. The small Jewish community has received property in Chisinau for its current needs, but this amounts to only a small part of its pre-Holocaust property. Synagogues are located in Chisinau and six other towns.

The Moldovan government does not consider claims of former owners when distributing agricultural land through its privatization program. Forests are public lands and not subject to restitution.

Agudath Israel in late June purchased a property in Chisinau at which it had operated a yeshiva and synagogue since 1991. The synagogue was built in 1886 and operated until 1940. Agudath Israel initially attempted to regain the property through restitution, but eventually agreed to buy the property.

A Baptist church in Chisinau approached the government in 1995 to gain restitution of property it had purchased in the twenties. Because the property now is the

site of a kindergarten, an earlier government decision does not allow it to be returned to its previous owner. The church and government are still negotiating.

Poland

Poland has established four separate commissions to process claims of the Catholic, Lutheran, and Orthodox Churches, and the Jewish community. Establishment of a fifth commission to handle claims by other religious groups, is planned for the fall. About 1850 Catholic properties have been returned or compensated, and another 750 are still under consideration.

Thousands of Jewish communal properties served Poland's 3.5 million Jews before the Holocaust, but only a few thousand Jews remain in Poland. Negotiations have been underway for over a year between the World Jewish Restitution Organization (WJRO) and the Union Of Jewish Congregations in Poland (ZGZ) to form a joint foundation to assist with the reclaiming and managing of these properties. An American diplomat, Ambassador Henry Clarke, has served as a mediator in these discussions since September 1999. The foundation would assist in preparing the documents necessary to file claims, and would also participate in managing some of the restituted property. So far, the local Jewish community has applied for about 500 properties. Without outside assistance, it would be unlikely that all of the Jewish communal property can be claimed before the deadline in 2002.

In September 1999, the government submitted to the parliament legislation for the restitution of private property, or "reprivatization." In mid-December, the special committee on restitution proposed amendments requiring that claimants be Polish citizens and that they have resided in Poland for five years prior to making the claim. This discriminatory provision would prevent many Polish-Americans from claiming property. Government officials have assured U.S. officials that they will not accept these amendments and will work to restore the original non-discriminatory language. The proposed legislation provides for compensation of up to fifty percent of the value of the property in question.

Romania

Restitution is a highly contentious and politicized issue in Romania. Romania currently lacks comprehensive, nondiscriminatory laws and procedures for the restitution of private and community-owned buildings and urban property. The lower house of parliament debated and passed property restitution legislation in August but the fate of this legislation in the upper house is uncertain. Legislation providing for the return of up to 50 hectares of farmland and ten hectares of forests was signed in January 2000.

Under present laws and practices, private property claims face a chaotic legal situation in the courts. The government has found it difficult to return limited amounts of communal property to religious and ethnic communities by decree, because partial solutions raise questions of fairness. The Greek Catholic or Uniate Church, which was banned by the communist government, has large and serious claims against both the government and the Romanian Orthodox Church. A June 10 emergency ordinance restored 36 buildings to ethnic communities. The Jewish community got back 12 buildings, most of them former educational institutions; the Hungarian community, 15 buildings, mostly former property of the Hungarian churches, (Calvinist, Roman Catholic and other protestant); the German community, four buildings, all former houses of culture; the Greek community, two buildings; the Slovak community one building (an evangelical school), and the Ukrainian and Serbian communities each received one building.

Russia

Hundreds of buildings controlled by the federal government have been returned to religious communities under a Presidential Order of April 23, 1993. Estimates of properties returned at the regional or municipal level range up to several thousand. The large majority have gone to the Russian Orthodox Church, reflecting the relative strength of that religion prior to 1917, when it was not easy for other religions to erect buildings, and its relative negotiating influence in recent years. Synagogues and some other Jewish community properties have also been gradually returned, with cooperation in some regions and disputes in others.

Slovakia

Slovakia has made progress in returning communal property, and has restituted a substantial percentage of Catholic and Jewish claims. State organizations have not always vacated the buildings that were legally restituted, and many claims remain in dispute before the courts. Some properties built upon by the state have not been restituted, and as yet no mechanism for compensation is available for the origi-

nal owners. In April of this year the government and the Jewish community agreed to establish a joint commission to solve Jewish property restitution issues.

The Jewish community opened a new home for the elderly in November 1998, in a large building in downtown Bratislava that had been restituted and then reconstructed. The reconstruction was financed in part with compensation from the Czech and Slovak governments for gold taken from Slovak Jews in 1940. In 1999, the community also received a hospital building in Bratislava. Many Jewish properties, however, are in poor condition and beyond the means of the small community in Slovakia to restore.

The Catholic community received additional aid from the Government of Slovakia in 1999 in completing surveys of properties that could potentially be restituted. The church, however, has still had difficulty claiming formerly empty properties on which buildings were constructed after the land was taken from the church.

Slovak citizenship is a requirement for private property claims, but we believe Slovak-Americans were generally able to reclaim their citizenship and their property within the deadline set by the 1993 law.

Slovenia

Restitution of property seized by Yugoslavia's communist government remains a (one of the most) divisive issue(s) in Slovenia. The question of "denationalization" of property seized by the Socialist Federal Republic of Yugoslavia (SFRY) divides political parties and maintains a barrier between the GOS and the Roman Catholic Church. The Church was a major property holder in the Kingdom of Yugoslavia before World War II. After the war, the SFRY confiscated and nationalized many church properties—places of worship and associated buildings, residences, businesses, and forests.

After Slovenian independence in 1991, a center-right coalition parliament passed some of eastern Europe's most progressive legislation calling for denationalization (restitution and/or compensation) within a fixed period. However, a subsequent change of government to a center-left coalition in 1992 led to a virtual standstill in denationalization proceedings for several years as parliament instituted a moratorium on nationalization.

In September 1998, under pressure to reduce a backlog of problematic cases, parliament amended the 1991 denationalization law. However, some of these amendments appeared designed to protect vested interests. In October 1998, the constitutional court annulled several of the amendments, including one which would have barred the Catholic Church from benefiting from restitution of "feudal" property. The court also struck down differential treatment of Slovenes versus non-Slovenes at the time of expropriation, and it permitted those who lost Yugoslav citizenship in the wake of World War II to benefit from the law.

The strong opposition of the current government toward returning large tracts of forest and other property to the Catholic Church is an oft-cited reason for the paralysis of the denationalization process. Restitution of church property is a politically unpopular issue, and the Catholic Church, despite its numerical predominance, does not have the political support necessary to force a faster pace for denationalization.

Private restitution has also been slow and sporadic. As of June 1999, only forty percent of all cases had been adjudicated at the initial administrative level. In April 1999, the Slovene-parliament urged completion of the process by the end of 2000 and the government convened an inter-ministerial working group to streamline the denationalization procedures.

Ukraine

Ukraine has returned some places of worship to all major religions. Only state-owned churches, synagogues, and religious artifacts immediately necessary for religious services are subject to restitution under current Ukrainian law. Returned buildings are generally for the "exclusive use" of the religious community rather than for ownership.

In July 1998, president Kuchma issued a presidential decree protecting all cemeteries from misuse or privatization.

Ukraine as yet has no legislation to permit the restitution of secular property that belonged to religious groups, such as schools, community centers or other facilities. However, a draft law is being prepared which would significantly broaden the categories of property owned by religious communities that could be restituted. On February 22, President Kuchma responded to appeals from virtually all groups by instructing the state property fund to take measures to ban the privatization of property formerly owned by religious communities, which they feared would preclude its eventual restitution.

The decision of whether to return religious buildings or property is made by the regional state administration in which the building is located. Only the local parish—and not a national or international religious organization—can petition for the return of a property. Despite the law's provision that the decision be made within one month, the time period involved is usually considerably longer.

The Ukrainian Jewish communities officially lay claim to approximately 3,000 properties of all types, of which only a few have been restituted. However, since current law only permits restitution of synagogues, the proportion of buildings legally subject to restitution that have been returned is somewhat higher. In addition, the pace of restitution of Christian churches has slowed in recent years, since the buildings that remain in state possession tend to be prime properties currently being used as museums, concert halls, or city halls. The Roman Catholic Church has outstanding claims on 48 buildings across the country that have not been returned, some of which already have been partially privatized. The Ukrainian Greek Catholic and Ukrainian Orthodox churches also have reported problems in obtaining formerly-owned properties. These difficulties often are due not only to government bureaucracy, but also to competing claims.

JOINT CHAIRMEN'S PROPOSAL

[In billions of Deutsche Marks]

Labor	Suballocation Amount	Amount	Percentage of Amount for Labor	Overall Percentage	Supplemental Funds	Suballocation Amount with Supplemental Funds	Percentage of Amount for Labor with Supplemental Funds	Supplemental Funds Comments
Slave Labor	3.630 DM	.....	.....	.....	0.100 DM	.....	.....	Swiss Fund
Forced Labor	4.420 DM	.....	.....	.....	.....	.....	.....	.....
Capital for Slave and Forced Labor .....	.....	8.050 DM	.....	80.50	.....	.....	.....	.....
Suballocation (Slave and Forced Labor Combined):								
Partner Organization..								
Claims Conference	1.812 DM	.....	22.51	.....	.....	1.812 DM	22.37	.....
Poland	1.796 DM	.....	22.31	.....	.....	1.812 DM	22.37	.....
Ukraine	1.709 DM	.....	21.22	.....	.....	1.724 DM	21.29	.....
Russia	0.828 DM	.....	10.28	.....	.....	0.835 DM	10.31	.....
Belarus	0.687 DM	.....	8.54	.....	.....	0.694 DM	8.56	.....
Czech Republic	0.419 DM	.....	5.21	.....	.....	0.423 DM	5.22	.....
Rest of Eastern Europe & Rest of World (incl. Sinti and Roma)	0.800 DM	.....	9.94	.....	.....	0.800 DM	9.88	.....
Other Personal Injury Cases .....	.....	0.050 DM	.....	0.50	.....	.....	.....	.....
Total Capital for Labor .....	.....	8.100 DM	.....	81.00	8.250 DM	.....	.....	.....
Total Capital for Non-Labor .....	.....	1.000 DM	.....	10.00	.....	.....	.....	.....
Banking Claims	0.150 DM	.....	.....	.....	.....	.....	.....	.....
Other Property Claims/Catch-all	0.050 DM	.....	.....	.....	.....	.....	.....	.....
Banking Humanitarian	0.300 DM	.....	.....	.....	.....	.....	.....	.....
Insurance Claims	0.150 DM	.....	.....	.....	0.050 DM	.....	.....	Interest Earned
Insurance Humanitarian/ICHEIC	0.350 DM	.....	.....	.....	.....	.....	.....	.....
Future Fund .....	.....	0.700 DM	.....	7.00	.....	.....	.....	.....
Programs for Heirs .....	.....	.....	.....	.....	.....	.....	.....	.....
Reserve for Insurance Claims	0.100 DM	.....	.....	.....	.....	.....	.....	.....
Administration .....	.....	0.200 DM	.....	2.00	.....	.....	.....	.....
Total Capital for Non-Labor, Future Fund and Administration .....	.....	1.99 DM	.....	.....	1.950 DM	.....	.....	.....
Total Foundation Capital .....	.....	10.000 DM	.....	100.00	.....	.....	.....	.....

REPORT OF THE AAMD TASK FORCE ON THE SPOILIATION OF ART DURING THE NAZI/
WORLD WAR II ERA (1933–1945)—JUNE 4, 1998

AAMD Statement of Purpose: “The purpose of the AAMD is to aid its members in establishing and maintaining the highest professional standards for themselves and the museums they represent, thereby exerting leadership in increasing the contribution of art museums to society.”

I. STATEMENT OF PRINCIPLES

A. AAMD recognizes and deplores the unlawful confiscation of art that constituted one of the many horrors of the Holocaust and World War II.

B. American museums are proud of the role they, and members of their staffs, played during and after World War II, assisting with the preservation and restitution of hundreds of thousands of works of art through the U.S. Military’s Monuments, Fine Arts and Archives section.

C. AAMD reaffirms the commitment of its members to weigh, promptly and thoroughly, claims of title to specific works in their collections.

D. AAMD urges the prompt creation of mechanisms to coordinate full access to all documentation concerning this spoliation of art, especially newly available information. To this end, the AAMD encourages the creation of databases by third parties, essential to research in this area, which will aid in the identification of any works of art which were unlawfully confiscated and which of these were restituted. Such an effort will complement long-standing American museum policy of exhibiting, publishing and researching works of art in museum collections in order to make them widely available to scholars and to the general public. (See III. below.)

E. AAMD endorses a process of reviewing, reporting, and researching the issue of, unlawfully confiscated art which respects the dignity of all parties and the complexity of the issue. Each claim presents a unique situation which must be thoroughly reviewed on a case-by-case basis.

II. GUIDELINES

AAMD has developed the following guidelines to assist museums in resolving claims, reconciling the interests of individuals who were dispossessed of works of art or their heirs together with the fiduciary and legal obligations and responsibilities of art museums and their trustees to the public for whom they hold works of art in trust.

A. Research Regarding Existing Collections

1. As part of the standard research on each work of art in their collections, members of the AAMD, if they have not already done so, should begin immediately to review the provenance of works in their collections to attempt to ascertain whether any were unlawfully confiscated during the Nazi/World War II era and never restituted.

2. Member museums should search their own records thoroughly and, in addition, should take all reasonable steps to contact established archives, databases, art dealers, auction houses, donors, art historians and other scholars and researchers who may be able to provide Nazi/World-War-II-era provenance information.

3. AAMD recognizes that research regarding Nazi/World-War-II-era provenance may take years to complete, may be inconclusive and may require additional funding. The AAMD Art Issues Committee will address the matter of such research and how to facilitate it.

B. Future Gifts, Bequests, and Purchases

1. As part of the standard research on each work of art:

(a) member museums should ask donors of works of art (or executors in the case of bequests) to provide as much provenance information as possible with regard to the Nazi/World War II era, and

(b) member museums should ask sellers of works of art to provide as much provenance information as possible with regard to the Nazi/World War II era.

2. Where the Nazi/World-War-II-era provenance is incomplete for a gift, bequest, or purchase, the museum should search available records and consult appropriate databases of unlawfully confiscated art (see III below).

(a) In the absence of evidence of unlawful confiscation, the work is presumed not to have been confiscated and the acquisition may proceed.

(b) If there is evidence of unlawful confiscation, and there is no evidence of restitution, the museum should not proceed to acquire the object and should take appropriate further action.

3. Consistent with current museum practice, member museums should publish, display or otherwise make accessible all recent gifts, bequests, and purchases thereby making them available for further research, examination and study.

4. When purchasing works of art, museums should seek representations and warranties from the seller that the seller has valid title and that the work of art is free from any claims.

C. Access to Museum Records

1. Member museums should facilitate access to the Nazi/World-War-II-era provenance information of all works of art in their collections.

2. Although a linked database of all museum holdings throughout the United States does not exist at this time, individual museums are establishing web sites¹ with collections information and others are making their holdings accessible through printed publications or archives. AAMD is exploring the linkage of existing sites which contain collection information so as to assist research.

D. Discovery of Unlawfully Confiscated Works of Art

1. If a member museum should determine that a work of art in its collection was illegally confiscated during the Nazi/World War II era and not restituted, the museum should make such information public.

2. In the event that a legitimate claimant comes forward, the museum should offer to resolve the matter in an equitable, appropriate, and mutually agreeable manner.

3. In the event that no legitimate claimant comes forward, the museum should acknowledge the history of the work of art on labels and publications referring to such a work.

E. Response to Claims Against the Museum

1. If a member museum receives a claim against a work of art in its collection related to an illegal confiscation during the Nazi/World War II era, it should seek to review such a claim promptly and thoroughly. The museum should request evidence of ownership from the claimant in order to assist in determining the provenance of the work of art.

2. If after working with the claimant to determine the provenance, a member museum should determine that a work of art in its collection was illegally confiscated during the Nazi/World War II era and not restituted, the museum should offer to resolve the matter in an equitable, appropriate, and mutually agreeable manner.

3. AAMD recommends that member museums consider using mediation wherever reasonably practical to help resolve claims regarding art illegally confiscated during the Nazi/World War II era and not restituted.

F. Incoming Loans

1. In preparing for exhibitions, member museums should endeavor to review provenance information regarding incoming loans.

2. Member museums should not borrow works of art known to have been illegally confiscated during the Nazi/World War II era and not restituted unless the matter has been otherwise resolved (e.g., II.D.3 above).

III. DATABASE RECOMMENDATIONS

A. As stated in I.D. (above), AAMD encourages the creation of databases by third parties, essential to research in this area. AAMD recommends that the databases being formed include the following information (not necessarily all in a single database):

1. Claims and claimants.
2. Works of art illegally confiscated during the Nazi/World War II era.
3. Works of art later restituted.

B. AAMD suggests that the entity or entities creating databases establish professional advisory boards that could provide insight on the needs of various users of the database. AAMD encourages member museums to participate in the work of such boards.

¹The AAMD website is: <http://www.aamd.org/guideln.shtml>

STATEMENT BY THE FEDERAL GOVERNMENT THE LAENDER (FEDERAL STATES) AND
THE NATIONAL ASSOCIATIONS OF LOCAL AUTHORITIES ON THE TRACING AND RE-
TURN OF NAZI-CONFISCATED ART, ESPECIALLY FROM JEWISH PROPERTY

Translation—of 14 December 1999 (text as of 9 December 1999)

In accordance with the requirements of the Allied restitution provisions, the Federal Act on Restitution and the Federal Indemnification Act, the Federal Republic of Germany has fulfilled merited claims on grounds the confiscation of works of art by the Nazi regime after WW II, and set up the necessary procedures and institutions for enabling persons entitled to such indemnification to enforce their claims vis-a-vis other parties liable to restitution. The claims primarily arose to those who immediately suffered damage and their legal successors or, in case of Jewish assets without heirs or Jewish assets that were not claimed, to the successor organisations established in the Western zones and Berlin. The material restitution was effected either on a case-to-case basis or by global settlement. The restitution law and the general civil law of the Federal Republic of Germany thus finally and comprehensively provide for issues of restitution and indemnification of Nazi-confiscated art especially from Jewish property.

In the German Democratic Republic (GDR) the compensation pursuant to Allied law of wrongs perpetrated under National Socialism did not go beyond a rudimentary stage. In the course of German reunification, the Federal Republic of Germany has undertaken to apply the principles of the restitution and indemnification law. Nazi confiscated art was returned or indemnified in accordance with the provisions of the *Vermögensgesetz* (Property settlement Act) and the *NS-Verfolgtenentschädigungsgesetz* (Federal Indemnification Act concerning persons who suffered damage at the hands of the National Socialist regime). Thanks to the global filing of claims on the part of the Conference on Jewish Material Claims against Germany Inc. (JCC) in its capacity as today's association of successor organisations claims situated in the accession area with regard to cultural property of Jewish parties having suffered loss. As formerly in the West German Laender, material indemnification on a case-to-case basis was sought; where this was not possible, compensation was effected by global settlement.

I.

Irrespective of such material compensation, the Federal Republic of Germany declared its readiness at the Washington Conference on Holocaust-Era Assets on 3 December 1998 to look for and identify further Nazi-confiscated cultural property in so far as the legal and factual possibilities allow and, if necessary, take the necessary steps in order to find an equitable and fair solution. Against this background, the decision by the Foundation Board of the Prussian Cultural Heritage Foundation of 4 June 1999 is welcomed.

The Federal Government, the Laender and the national associations of local authorities will bring their influence to bear in the responsible bodies of the relevant statutory institutions that works of art that have been identified as Nazi-confiscated property and can be attributed to specific claimants are returned, upon individual examination, to the legitimate former owners or their heirs, respectively. This examination includes a match with material compensation already provided. Such a procedure allows to identify the legitimate owners and avoid duplicate compensation (e.g. by repayment of compensations already paid).

The relevant institutions are recommended to negotiate the extent and procedure of return or other material indemnification (e.g. in the form of permanent loans, financial or material equalisation) with the clearly identified legitimate former owners or their heirs, respectively.

II.

The German public institutions such as museums, archives and libraries have supported the tracing of Nazi-confiscated art already in the past by means of:

1. exploitation of and access to the data research findings and records available to them,
2. investigations in case of concrete inquiries and research, on their own initiative, in case of new acquisitions,
3. search activities in the framework of the institutions tasks,
4. providing information on the history of Nazi-confiscated art in collections, exhibitions and publications.

These efforts shall be carried on wherever there is sufficient reason.

III.

Furthermore, the Federal Government, the Laender and the national associations of local authorities consider in accordance with the principles of the Washington Conference to provide a website on the Internet with information on the following:

1. What the institutions involved can do for publicising art of unclear origin to the extent that is presumed to have been confiscated by the Nazis.
2. A search list in which every claimant may enter the items he is looking for and thus report for investigation by the relevant institutions and the interested public.
3. Information on the transfer abroad of Nazi-confiscated art during or immediately after the war.
4. Establishing a virtual information platform where the interested public institutions and third parties may enter their findings relating to the tracing of Nazi-confiscated art in order to avoid duplicate work on the same subjects (e.g. at which auction was Jewish cultural property of which collection sold?) and make such information available by way of fulltext retrieval.

IV.

This statement refers to archives maintained by public institutions, museums, libraries and their inventory. The public bodies funding these institutions are called upon to ensure the implementation of these principles by taking decisions to this effect. Institutions under private law and individuals are called upon also to apply the principles and procedures laid down at the Washington Conference.

DECLARATION OF THE STOCKHOLM INTERNATIONAL FORUM ON THE HOLOCAUST

We, High Representatives of Governments at the Stockholm International Forum on the Holocaust, declare that:

1. The Holocaust (Shoah) fundamentally challenged the foundations of civilization. The unprecedented character of the Holocaust will always hold universal meaning. After half a century, it remains an event close enough in time that survivors can still bear witness to the horrors that engulfed the Jewish people. The terrible suffering of the many millions of other victims of the Nazis has left an indelible scar across Europe as well.
2. The magnitude of the Holocaust, planned and carried out by the Nazis, must be forever seared in our collective memory. The selfless sacrifices of those who defied the Nazis, and sometimes gave their own lives to protect or rescue the Holocaust's victims, must also be inscribed in our hearts. The depths of that horror, and the heights of their heroism, can be touchstones in our understanding of the human capacity for evil and for good.
3. With humanity still scarred by genocide, ethnic cleansing, racism, anti-semitism and xenophobia, the international community shares a solemn responsibility to fight those evils. Together we must uphold the terrible truth of the Holocaust against those who deny it. We must strengthen the moral commitment of our peoples, and the political commitment of our governments, to ensure that future generations can understand the causes of the Holocaust and reflect upon its consequences.
4. We pledge to strengthen our efforts to promote education, remembrance and research about the Holocaust, both in those of our countries that have already done much and those that choose to join this effort.
5. We share a commitment to encourage the study of the Holocaust in all its dimensions. We will promote education about the Holocaust in our schools and universities, in our communities and encourage it in other institutions.
6. We share a commitment to commemorate the victims of the Holocaust and to honour those who stood against it. We will encourage appropriate forms of Holocaust remembrance, including an annual Day of Holocaust Remembrance, in our countries.
7. We share a commitment to throw light on the still obscured shadows of the Holocaust. We will take all necessary steps to facilitate the opening of archives in order to ensure that all documents bearing on the Holocaust are available to researchers.
8. It is appropriate that this, the first major international conference of the new millennium, declares its commitment to plant the seeds of a better future amidst the soil of a bitter past. We empathize with the victims' suffering and draw inspiration from their struggle. Our commitment must be to remember the victims who

perished, respect the survivors still with us, and reaffirm humanity's common aspiration for mutual understanding and justice.

Senator SMITH. We were joined by Senator Boxer. We are delighted you are here. Do you have a statement or question?

Senator BOXER. Well, I actually have 30 seconds of comment. But I do have a couple questions.

Senator SMITH. Sure.

Senator BOXER. Mr. Chairman, I was working on a budget matter. And I understand from my staff that you were nothing less than eloquent on this issue that is before us. And I just want to personally thank you and Senator Biden, as well.

You know, for me it is very difficult to have an opening statement, Mr. Chairman, because if I had not been born in this country and I was born where my mother was born in Austria during World War II, I certainly, most likely, would not be here with you. So it is very difficult for me to give an opening statement.

I mean, I remember as a little girl that when I read "The Diary of Anne Frank," it just stuck with me, because I knew that it could have been—I could have been in that circumstance. So this country has been everything to my family.

And also, the chance to sit with you and try to do something to help Mr. Eizenstat here is very special. So I am very honored to be able to help.

I have two quick questions. I know that you are doing everything in your power so we do not get into a lawsuit situation, so that we can quickly resolve the claims with the insurance companies. But some of these survivors are very elderly now. Right now, do we have a way that their heirs could receive what is due them?

And then I have one other question, so I will just lay out the second question. And it is a very interesting one. I do not know whether my colleagues are aware, I have a bill with Senator Helms to try and settle a very interesting situation.

I have a constituent named Dina Babbitt, who suffered a year-and-a-half-long term in Auschwitz. And she was a brilliant painter. And of all the twisted things in the world, Dr. Joseph Mengele—this is why it is hard—asked her to paint portraits of prisoners who were condemned to die.

Now, she was a teenager, and she did these paintings. And seven of these watercolors remain at the Auschwitz-Berkenau State Museum, Berkenau State Museum. And she wants these paintings very much.

Her reasons, she has to face the past and deal with it. They are her property. And we cannot seem to get these paintings back. And so Poland has basically denied her these paintings.

And they said, "Well, we need them to exhibit them." And she believed they were not ever exhibited.

And so Senator Helms and I have a bill to get these paintings back. And I wonder whether or not, Mr. Secretary, if there is a way we could do more to help her, because every time we say we are going to do a bill, then the Government of Poland starts to lobby against this bill.

And I do not want to get my colleagues in the middle of this. But is there something that you can do to personally help us with this, get these paintings back for her?

Secretary EIZENSTAT. Thank you. Let me answer both questions. First with respect to heirs, for the heirs of forced and slave laborers, if any who would have been eligible on February 16, 1999, which is the date that the Germans first announced this initiative, which has taken us over a year to consummate, if any have died since that time, their heirs can recover.

With respect to insurance claims, which was your specific question, heirs will be able to recover. But I frankly hope that more and more of the actual survivors will benefit before their heirs.

And the reason is that, as I mentioned I think just before you came in, just today we have the publication of 19,000 names by the International Commission on Holocaust Era Insurance Claims under Larry Eagleburger that we helped create. And that for the first time would publish almost 20,000 families who can claim on their insurance policies. If they are survivors, surviving beneficiaries, obviously they can. But heirs clearly will be able to do so.

With respect to Mrs. Babbitt-Gottlieb, I am extremely familiar with the case. I have met and talked with her attorney on innumerable occasions, as well as our Embassy in Poland. We have also talked to the Polish Government about this. This is a very difficult and sensitive issue. This is her art without question. It was done under precisely the circumstances you indicated.

In addition to being works of art, the portraits are also an important piece of the historical record of the Holocaust, which is why the Auschwitz Museum wishes to hold onto them. I have, frankly, proposed a number of options to her attorney. And I hope that we can find a way to satisfy both of these conflicting interests.

Senator BOXER. Well, I would certainly hope so, because this woman was forced to do these paintings as a slave of the Nazis for the most twisted, horrible reasons. And if she wants these back for her reasons, then I just cannot imagine what could override that. Maybe there is a way they could keep one of them and return the others.

But with my colleagues' indulgence, maybe I can take this to you, because at this point, we have not been successful. And it is frustrating, because I do not know how old she is now, but—77 or 78 years old. I think we should help her.

So thank you very much again, Mr. Eizenstat.

Secretary EIZENSTAT. I will re-contact her attorney again.

Senator BOXER. Please.

Secretary EIZENSTAT. But we have been working on this.

Senator BOXER. Thank you.

Senator SMITH. Senator Boxer, you can add my name to the bill, if you want.

Senator BOXER. Thank you. That would be very helpful.

Senator SMITH. Secretary Eizenstat, I would like to take a moment to note for you some material I am going to have entered in the record.

It is the record compiled by a constituent of mine, Diane Whittier of Salem, Oregon. Her record, which I have in my hand, is the biography and anecdotes of her mother, Irene Bondaranko Hewitt, who spent several years as a Nazi slave in a Nazi slave labor camp. When she died, she was an Oregonian.

I do not know what recompense Irene Hewitt's family may have received, but I would like to leave you with this anecdote. Before her death, she had the chance to withdraw a lot of 401(k) money in order to evade some estate taxes.

She said to her family, "I won't do that. Whatever the U.S. Government takes, it is welcome to because they saved my life."

If there is no objection, I will enter this in the record.

Secretary EIZENSTAT. If you will give me that information, I will be pleased to look at it.

[Correspondence pertaining to the information referred to follows. The additional material is retained in committee files:]

SALEM, OR, February 1, 2000.

DAVID BRADLEY, *Chief Counsel,*
Foreign Claims Settlement Commission,
Room 6002, 600 E Street, NW,
Department of Justice,
Washington, DC 20530-0001.

DEAR MR. BRADLEY,

Enclosed please find initially an article from our local newspaper which started this endeavor. After reading the article, I knew I must write to you on behalf of my mother who spent several years in a German slave camp. You will find copies of her Polish and German documents along with a local newspaper article featuring her, a short autobiography and numerous pages which have been dictated from audio tapes made by her before her death in 1996. While her autobiography and dictation from the tapes have not gone into many specifics, I have no doubt that you will find the afore mentioned documents and information to be indisputable evidence of her years spent in the labor camps. She has told my brother and I many stories of her forced labor, near starvation and poor treatment at the hands of the Germans. I believe that my mother's resourcefulness, as well as the jewels her parents sent with her in an amulet worn around her neck when she was sent off to the camps, played a large role in her survival until the war ended.

No doubt her labor camp experiences contributed heavily to mother's mental difficulties making family life with her extremely difficult at best. After years of psychotherapy, I remain in counseling still trying to make sense of it all.

Before her death, mother had an opportunity to withdraw some of her meager 401-k retirement savings so as not to pay the United States government as high a tax rate. She said proudly, "I wouldn't think of it, the U.S. government literally saved my life. They deserve whatever taxes they take."

Hopefully you will find in her/our favor as you review this claim.

Sincerely,

Diane Hewitt Whittier.

U.S. DEPARTMENT OF JUSTICE,
FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,
Washington, DC, February 15, 2000.

The Honorable GORDON H. SMITH
United States Senate,
121 SW Salmon, Suite 1250,
Portland, OR 97204.

DEAR SENATOR SMITH:

Thank you for your letter of February 4, 2000, with enclosures, on behalf of Ms. Diane Whittier, who has requested assistance in pursuing a claim for the hardship her late mother endured as a forced laborer in Germany during World War II.

Unfortunately, the Foreign Claims Settlement Commission is not in a position to assist Ms. Whittier with her claim, as it has not been involved in the forced laborer claims settlement negotiations referred to in the news article enclosed with her letter. Between 1996 and 1998, the Commission conducted a program for adjudication of certain Holocaust survivors' claims against Germany, but that program is closed and the claims have been finally settled under an agreement between the United States and Germany signed in January 1999. Moreover, it does not appear that Ms.

Whittier's mother's claim would have been compensable in that program in any event, as the program only covered persons who were interned in concentration camps, such as Auschwitz and Buchenwald, and who were U.S. citizens at the time they were interned.

The Department of State would be in a better position to inform Ms. Whittier whether she will be eligible for compensation under the forced labor claims settlement, once the settlement negotiations are finally concluded. Accordingly, we have forwarded your inquiry to that department for response directly to Ms. Whittier as you have requested.

Sincerely yours,

DAVID E. BRADLEY, *Chief Counsel.*

U.S. DEPARTMENT OF JUSTICE,
FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,
Washington, DC, February 15, 2000.

MEMORANDUM

To: Office of Legislative Affairs, Department of State

From: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice

Re: Congressional inquiry from Sen. Gordon Smith on behalf of Diane Whittier regarding forced laborer claims

We are forwarding the referenced inquiry to your department for further reply as you deem appropriate. Please note that the Senator has requested the reply to be made directly to Ms. Whittier. A copy of my reply to the Senator is also enclosed.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 30, 2000.

The Honorable GORDON SMITH
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH:

The Foreign Claims Settlement Commission referred your letter of February 4 to the Department of State for reply since your constituent's inquiry concerns the slave/forced labor negotiations. Participants in those negotiations are the governments of Germany, the Czech Republic, Ukraine, Belarus, Russia, Poland and Israel.

The goal of these negotiations, which Deputy Treasury Secretary Stuart E. Eizenstat and Otto Graf Lambsdorff of Germany co-chair, is to establish a German Foundation that will provide a dignified payment to public and private sector laborers and all others who suffered at the hands of German companies during the Nazi era. This Foundation will also include a "Future Fund" that will be used to fund programs to combat intolerance and promote understanding of the Holocaust. Heirs could benefit from such programs.

The enclosed statements by Deputy Treasury Secretary Stuart E. Eizenstat provide additional detail about the negotiations.

The file of information compiled by Ms. Whittier is a tribute to her mother and the others like her who were forced to work for the Nazi regime, frequently under horrendous conditions. It is injustices such as the ones she experienced that led to the current negotiations.

We trust that this information will be helpful both to you and your constituent. If there should be further questions, please do not hesitate to call the Office of Holocaust Issues.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

Senator SMITH. We welcome Senator Sarbanes. And if you have a question or comment, Senator, we are delighted you are here.

Senator SARBANES. Mr. Chairman, I, as is so often the case here, was at another hearing. And I apologize for being late.

I will be seeing Dr. Wiesel later in the week at an event in Baltimore. So I will have an opportunity to both hear him and talk with him then. And, of course, he has been one of our most perceptive thinkers and is most eloquent on this issue.

I very much want to commend you for holding this hearing. I think it is an extremely important hearing. And it is important to underscore the necessity of consistently reminding ourselves of the legacies of the Holocaust. In fact, there are a lot of people working very hard to deny that it ever took place. And that is a matter, I think, of some extreme concern to a great number of us.

I think, in fact, the Holocaust Memorial Museum is a very important institution in that regard. And I am pleased that along with my colleagues here, we are able to be supportive of that institution and to document the record in a way that I think will withstand, clearly withstand, these pressures.

I do not really have any questions of Stu Eizenstat. I simply want to thank him very much for the tremendous work he has done in this field. I think it is fair to say that but for his efforts, many of these issues would not be moving toward a resolution.

And I think his superb skills in terms of, first of all, making people perceive the necessity of remedying these terrible actions of the past and being able to develop some consensus on how to go about doing it has been extremely important.

Of course, you know, we are addressing both the issue of recompense or restitution. But then the much broader question is: How do we drive out these pernicious forces that exist not only elsewhere but even in our own country that are constantly reasserting these hatreds and prejudices for which we have paid such a high price in the 20th and earlier centuries, for that matter? And how do we move along the path of, if not eliminating those elements, at least driving them deep into the woodwork where they cannot emerge in such a way as to do harm to people?

So I join with my colleagues in expressing our appreciation to you for holding this hearing. Thank you.

Senator SMITH. Thank you.

Senator Biden.

Senator BIDEN. Stu, I, too, as you know, am a fan. And I appreciate the work you have done. And quite frankly, were it not for the political skills you possess, as well as the intellectual skills, I am not sure we would have gotten this far.

I have a couple questions. One may seem a little—and I should know the answer to this question. Has there been any thought given to the claims of those Americans who were entitled to compensation in light of the agreement you have reached, who are destitute or in serious economic circumstances, being able to assign their claims to the Federal Government and us to come up with their money now?

In other words, I realize that may be a bureaucratic nightmare, but is there any thought given to us being able to compensate from a fund which has been agreed upon but not available yet immediately, that portion or portions of survivors, Jew and non-Jew alike, who can prove that they would be able to be compensated out of the fund, and then assign that claim to the Federal Treasury so

that the money would then be compensated to the Federal Treasury?

Secretary EIZENSTAT. Well, I understand the idea. But I think, that it would add a measure of complication to already complicated negotiations with the Germans. And frankly, it is our hope that by the July recess, the Bundestag will pass legislation, and that claims will begin to be processed by the end of this year, which I think is probably as fast as one could expect.

Senator BIDEN. I do not think we could do it any faster, I mean, even if we set it in motion this—

Secretary EIZENSTAT. Right.

Senator BIDEN. As a matter of fact, it might not be that fast, but I just wondered—

Secretary EIZENSTAT. And we will have, Senator—I mean, this is again the advantage over litigation—very relaxed standards of proof. There will be a claims process.

In the United States, for example, the Jewish Material Claims Conference will handle claims for United States and Jewish citizens world-wide who were Holocaust victims. We will hope to use other non-governmental institutions, the Red Cross, perhaps, the Polish American Congress for some of the ethnic groups in the United States.

And we have five reconciliation foundations, one for Poland, Ukraine, Russia, Belarus, and the Czech Republic, who will handle claims for those citizens so that it will be an expeditious process.

Senator BIDEN. I do not doubt that. I would just—as a friend of mine used to say, a random thought.

Second question I have, Mr. Secretary, is: Is there any—because I know you know domestic and international politics as well as anyone does, can you give me a sense that you are willing—and maybe you would not think it appropriate because there are still ongoing attempts to deal with this—but the current status of the Holocaust heir claims in Austria? Has the rise of the Freedom Party deterred the Austrian Government from making efforts to resolve these issues? I mean, is there a causal connection?

Secretary EIZENSTAT. Ironically, it has had the opposite effect, I think. Because of the international criticism, it has speeded up their intention to deal with slave enforced labor issues.

But what we have made clear to them is that that is not sufficient. It is important, but not sufficient; that it is important to address restitution of property that has not been given back over the years. And I think that with the eyes of the world on Austrian—

Senator BIDEN. Two separate issues. No. 1, the claimants compensation for slave labor, and No. 2, giving back the house, the fields—

Secretary EIZENSTAT. Fair market value.

Senator BIDEN [continuing]. As well as art. And there is not much discussion on the latter, is there, in Austria, now? In other words, you are making some progress on compensation.

Secretary EIZENSTAT. That is right. We have had our first negotiations on compensation. It went well. I will have a second round in Vienna in the middle of May. Their legal experts will be coming here at the end of April. So I think that is moving.

And given the breakthrough that we have achieved with Germany, they will be following many of these elements, including per capita compensation levels will likely be fairly close to what Germany has agreed to.

With respect to art, they are researching their inventories. They are returning looted art. They accept that responsibility, and they are perhaps not going as quickly as we might wish, but they are proceeding with art restitution.

However, the biggest area where there has been very little, indeed, almost no action over the last several decades, is with respect to property restitution, real property restitution. That is an issue which a number of organizations and the U.S. Government have raised.

We have made it clear that while we are prepared—see in this, Senator, we put everything under one 10 billion Deutsche mark roof, insurance, banking, Aryanization, slave labor, force labor, medical experimentation. And in the end, it was important to do it that way, but it also was unbelievably complicated.

What they have said is, “Let us do it with slave enforced labor.”

And we have said, “OK. Fine. We can deal with that perhaps more quickly, but we are not going to let those other issues languish. We want your insurance companies to join ICHEIC. We want your art restitution to proceed. And you have got to make a real effort at the property restitution.”

Senator BIDEN. One last question and this is pure curiosity. One of the most beautiful embassies and ambassadorial residences that we have in the world, in my view, is the one in Prague.

Secretary EIZENSTAT. The nicest.

Senator BIDEN. And I actually tried to give money to refurbish that swimming pool downstairs because I think that people who worked—at the time, that was behind the Iron Curtain. And I mean this sincerely, I thought that was the least we could do for the people who were over there and working there, and assuming the Ambassador made it available to the staff.

But it is my understanding—I do not know this as a fact—that that was the property of a prominent Czech Jew who——

Secretary EIZENSTAT. The Petschek family.

Senator BIDEN. Pardon me?

Secretary EIZENSTAT. The Petschek family.

Senator BIDEN. Right. Now, if compensation spreads, I mean, do we—we now own that, the American Government. I assume—are we following up, trying to find the Petschek family and their heirs to a——

Secretary EIZENSTAT. The Petschek family lives in the United States, and in fact—you mentioned the swimming pool. It is—for those Senators who have not been there, it is truly the most magnificent residence anywhere in the world, even more than Paris.

And there were three Petschek brothers who owned three mansions in Prague. One is now the Russian Embassy, the other is now the Chinese Embassy, the third is the U.S. Embassy. That swimming pool——

Senator BIDEN. The Petschek boys did well, did they not?

Secretary EIZENSTAT. The swimming pool—there is also a wonderful story of how they escaped on their own railway and so forth.

But that swimming pool which you mentioned, has not been used in about 55 years. And the story is that the Petschek daughter, a young kid at the time before the war, used the swimming pool, got very sick, and the father swore that he would never use the pool again, and related her sickness to the use of the pool, that she had not dried off and so forth. Drained the pool, and it has never been used since.

My wife was at a function where this story was told, and the story was that the daughter had died as a result of this swimming episode, at which point, an elderly lady said, "I did not die. I am that daughter."

Senator BIDEN. You are kidding me?

Secretary EIZENSTAT. She lives in New York. But, the question is a serious question. The Petschek family has not made a claim on that. If they do, it is something we will have to look at, but at this point, they presumably have been willing to let the U.S. Government, who obviously liberated the country, occupy that residence. And it has never been claimed.

Senator BIDEN. I thank you.

Thank you, Mr. Chairman.

Senator SMITH. Thank you.

Thank you, Mr. Secretary. We appreciate your presence here today.

And we will turn now to our next witness who is Mr. Edgar M. Bronfman, chairman of the Presidential Advisory Commission on Holocaust Assets in the United States. Mr. Bronfman's Commission has the arduous task of finding the truth about the Holocaust assets that our own Government may have come into possession, or control of, following World War II.

As a commissioned member myself, I would note that even our own Library of Congress, just steps away from this building may—and I emphasize may—even contain Holocaust assets. Mr. Bronfman, we welcome you, sir.

STATEMENT OF EDGAR M. BRONFMAN, CHAIRMAN, PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES; ACCOMPANIED BY KENNETH L. KLOTHEN, EXECUTIVE DIRECTOR, PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES

Mr. BRONFMAN. Thank you, Mr. Chairman. Thank you for holding this wonderful committee hearing.

Senator SMITH. You are welcome.

Mr. BRONFMAN. Before I go any further, I would ask the Chair if I could ask the executive director of the Holocaust Commission to join me so—in case there are any questions later that I do not know.

Senator SMITH. We are delighted to have him join you.

Mr. BRONFMAN. Mr. Ken Klothen is his name.

With your permission, Mr. Chairman, I would like to submit my full statement for the record and summarize it here.

Senator SMITH. Without objection, we will include it.

Mr. BRONFMAN. We have all heard from Elie Wiesel and Stuart Eizenstat about Holocaust issues around the world. Also, I want to

commend you, sir, for what you said, and Senator Biden for what he said on the subject.

I am always very conscious of the problem of Holocaust fatigue, being in the business of reminding people over and over and over again of what happened about 50-odd years ago. But I will focus my remarks on the gold, art, and financial property of Holocaust victims that came into the possession or control of the U.S. Government since that is what our Commission is about.

From before the day in late 1940 when President Roosevelt declared the United States the "Arsenal of Democracy" against the Nazis, we have held ourselves to a different standard—the standard of the truth.

When F.D.R. spoke to the American people at the fireside chat that December, he noted:

During the past week, many people of all the nations have told me what they wanted me to say tonight. Almost all of them expressed a courageous desire to hear the plain truth about the gravity of the situation. One telegram, however, expressed the attitude of the small minority who wanted to see no evil, hear no evil, even though they know in their hearts that evil exists. The gist of the telegram was, "Please, Mr. President, do not frighten us by telling us the facts."

President Roosevelt did tell the American people the truth that night, on the argument for arming our allies. Within a year, the United States had formally declared war on Germany and Japan.

More than 50 years later, it was the same relentless American pursuit of the truth that led to the renewed push for moral reparations for Holocaust victims and their family. Americans were first leading the inquiries into Nazi-looted gold in Swiss banks; dormant accounts in those banks; insurance policies; slave and forced labor; and looted art.

It was the American Government—including the U.S. Senate—and American-based non-governmental organizations that led the fight for justice. At the same time, we had to look at ourselves.

Despite our leadership in returning stolen property during and after World War II, our actions were not without concerns. The President and the Congress, therefore, worked together in 1998 to create the Presidential Commission for two primary purposes: No. 1, to investigate the truth about the assets of Holocaust victims that came into the possession or control of the U.S. Government, and No. 2, to recommend actions to pursue justice for Holocaust victims and their families.

We brought together a group of prominent Americans to serve on this Commission. We all recognized that because of America's leadership and the fight for truth, this Commission will be looked at worldwide as for how it does its works and for what it recommends. For this reason, we have explicitly made the pursuit of truth our highest priority. The Presidential Commission employs teams of researchers investigating questions about No. 1, gold; No. 2, financial assets including bank accounts, securities and intellectual property; and No. 3, art and cultural property including books, manuscripts, religious objects, gems, and jewelry.

The National Archives has given us an office in their main records facility. The Army's Center of Military History has provided us a research office and a secured document storage area in their headquarters at Fort McNair. I would like to take this opportunity

to commend the National Archives and the Army for their support. You should know that they have done everything we have asked them to do, and then more.

Because we must review approximately 45 million pages of documents, we, Mr. Chairman, introduced legislation along with Senators Grams, Boxer, and Dodd, to extend the Commission's mandate for 1 year.

The Senate and the House passed this legislation unanimously, and I must commend the entire Congress of the United States for its bi-partisan attitude toward this whole thing from day one.

I anticipate that our final report will be comprised of two parts: No. 1, a historical report that will detail our research findings, and No. 2, the Commission's recommendation to the President on what legislative and administrative actions should be taken to achieve justice.

In my written statement, I detail many of the topics we expect to address in this historical report. Throughout the report, we will not mince words or censor ourselves. Our actions so far have proven our willingness to ask tough questions, follow through, and tell the truth.

In addition, our work to help declassify Nazi-era documents, to identify Nazi-looted books in the Library of Congress, and to facilitate searches for artwork with questionable history at the National Gallery of Art and elsewhere, has already affected the landscape of Holocaust assets issues.

The Presidential Commission has been working closely with the Nazi War Criminal Records Interagency Working Group. We have helped to facilitate the declassification of 400,000 pages of Nazi-related records by the CIA, the FBI, National Security Council, the Justice Department, the State Department, the Department of Defense, and other branches of the Government.

We expect this newly available information to offer a clearer picture of the policies and actions of our Government. The members of this working group should be commended for their hard work and dedication to their mission.

We have long known that after World War II, the Jewish Cultural Reconstruction Organization distributed Jewish books that had been looted by the Nazis to American libraries, including the Library of Congress. Unfortunately, the Library is not able to identify those books today. It cannot say which books that it kept and which it sent elsewhere.

After several months of discussion with us, the Library of Congress has agreed to an unprecedented plan in which rabbinical students will volunteer their time to review samples of the Library's collection. This will help identify the number of books looted by the Nazis.

This information will also help illuminate whether we should identify these books individually or take other steps to recognize the special and tragic nature of their origin. And we appreciate the cooperation of the Library in addressing these issues.

The National Gallery of Art recently implemented the suggestion of Commission researchers and found a way to improve the database of its Internet website. It now allows a more comprehensive search of the known provenance of individual works of art.

Now, anyone anywhere in the world will be able to investigate the history of the objects in our National Gallery's collection. There still may be specific works of art in the Gallery's collection that need further research.

However, the fact that the National Gallery took the lead to make its records more transparent helps demonstrate the American commitment to finding the truth. This cooperative relationship speaks volumes about our Government's openness and willingness to ask itself the challenging questions.

The Presidential Commission will hold a hearing on Nazi-looted art and their cultural property in New York City next week, on April 12. At this hearing, we will focus on the roles of other American museums and art dealers.

We will also hear testimony about recent actions to reconstitute Nazi-looted artworks and the specific challenges of tracking looted Jewish cultural property. Please note, Mr. Chairman, that the vast majority of art plundered by the Nazis was not "world class" or "museum quality" work.

Most of what was taken were paintings of the type owned by successful, but not extremely wealthy families, domestic silver and household artifacts, and, of course, many Jewish religious books and other religious items. Members of the Commission realize that though we hear about "old masters" and similar paintings taken from the wealthiest collectors or most successful dealers, they make up only a fraction of the numerically more significant theft.

Among the witnesses we will hear from are an expert on Jewish cultural property from the Jewish Museum in New York, a representative of the New York State Holocaust Claims Processing Office, the leading art loss investigator and the directors of the Metropolitan Museum of Art in New York, the Museum of Modern Art in New York, Boston Museum of Fine Arts, and North Carolina Museum of Art.

In the course of the Presidential Commission's work, we have discovered new areas of inquiry that must be examined. These additional activities include a review of agreements that may have existed between the United States and Western European countries on the restitution of property to individuals; a review of bank and travel agent records of assets transferred to the United States by Holocaust victims; and, the project that would cross-match records of Holocaust victims with unclaimed property lists.

Completing this extra work will require additional resources. For this reason, the President sent a supplemental funding bill to the Congress last week that includes \$1.4 million for the Presidential Commission. I hope that the Congress can support these necessary additional resources for our work.

In conclusion, Mr. Chairman, the irony of the central role of the truth in President Roosevelt's Arsenal of Democracy, is that the truth about the Holocaust was not always told to the American people. Historians report that on August 8, 1942, the World Jewish Congress representative in Geneva, sent a cable to the President of the World Jewish Congress, detailing an alarming report.

According to this 1942 report, Hitler was planning that all Jews to be—after deportation and concentration, be exterminated at one blow to resolve once and for all the Jewish question in Europe. The

State Department's reaction was to refuse to give the cable to the World Jewish Congress President.

After he got a copy of the cable from the British, he passed it on to the Under Secretary of State, who asked him not to make the contents public. He did not make it public. He did tell President Roosevelt, members of the Cabinet, Supreme Court Justice Felix Frankfurter about the cable's contents. Not one of them chose to speak publicly about this issue, and there is no evidence that any of them acted on it.

The U.S. Government finally acknowledged the report some months later, but the questions remain: How many lives could have been saved had we responded to this clear warning earlier and with more vigor? What was the cost of hiding the truth to the American people and the world?

We cannot answer these questions with precision. However, they do suggest one clear response: We cannot afford not to tell the truth about the American Government and Holocaust assets.

When signing into law the bill of the Presidential Commission, President Clinton declared that:

The Commission's research demonstrates irrefutably that we the United States are willing to hold ourselves to the same high standard of truth about the Holocaust assets to which we have held other nations. The Presidential Advisory Commission sends a strong message, both at home and abroad, that we are committed to examining difficult aspects of our history and determining how to build a better world for our children in the next millennium.

The Presidential Commission bears this responsibility fully and proudly. I look forward to sharing with you the final results of our work at the end of this year.

And, of course, I will answer any questions that you may have.

Senator SMITH. Thank you very much, Mr. Bronfman.

[The prepared statement of Mr. Bronfman follows:]

PREPARED STATEMENT OF EDGAR M. BRONFMAN

Mr. Chairman and members of the Committee, thank you for inviting me to speak to you today about the work of the Presidential Advisory Commission on Holocaust Assets in the United States, which I chair. I would particularly like to thank the Senator from Oregon, Mr. Smith, both for his efforts in helping to convene this important hearing and for the work he has put in as a member of the Presidential Commission. I would also like to thank Senators Boxer and Dodd for their work as members of the Presidential Commission.

My friends Elie Wiesel and Deputy Secretary of the Treasury Stuart Eizenstat are speaking to you today about the state of Holocaust assets issues around the world. I would like to focus my remarks more narrowly on those Holocaust assets that are at the center of the Presidential Commission's work—the gold, art, and financial property of Holocaust victims that came into the possession or control of the United States government before, during, and after World War II.

From before the day in late 1940 when President Roosevelt declared our nation the "Arsenal of Democracy" against the threat of Nazi aggression, the United States had assumed a singular status among the parties involved in Europe because we held ourselves to a different standard—the standard of the truth.

When President Roosevelt spoke to the American people in his fireside chat that December, he noted:

During the past week many people in all parts of the nation have told me what they wanted me to say tonight. Almost all of them expressed a courageous desire to hear the plain truth about the gravity of the situation. One telegram, however, expressed the attitude of the small minority who want to see no evil and hear no evil, even though they know in their hearts that evil exists . . . The gist of that telegram was: "Please, Mr. President, don't frighten us by telling us the facts."

Roosevelt did tell the American people the truth that night—the facts about armaments and weaponry, about Hitler’s desire for world domination and the possibility that he might achieve it. The truths that Roosevelt discussed that night carried the argument for arming our allies. Within a year, the United States had formally declared war on Germany and Japan.

More than 50 years later, it was the same relentless American pursuit of the truth that led to the renewed push for moral reparations for Holocaust victims and their families. Americans were first—leading the inquiries into Nazi-looted gold in Swiss banks; dormant accounts in those banks; insurance policies; slave and forced labor; and looted art. It was the American government—including the United States Senate—and American-based non-governmental organizations that led the fight for justice.¹

At the same time, the history of our own actions had to be subject to the same scrutiny other nations received. Despite America’s leadership role in returning stolen property following World War II, our actions were not without concerns. The President and the Congress therefore worked together in 1998 to create the Presidential Advisory Commission on Holocaust Assets in the United States for two primary purposes: (1) to investigate the truth about the assets of Holocaust victims that came into the possession or control of the United States government and (2) to recommend actions to pursue justice for Holocaust victims and their families.

We brought together a group of prominent Americans to serve on this Presidential Commission, all of whom recognize that because of the America’s leadership in the fight for the truth about the Holocaust *this Commission will be looked at worldwide as much for how it does its work as for what it recommends. For this reason, the Presidential Commission has explicitly made the pursuit of the truth its highest priority.*

In addition to Senators Smith, Boxer, and Dodd, Senator Arlen Specter serves on the Commission. The other 17 Commissioners represent the House of Representatives, the private sector, the United States Holocaust Memorial Commission, and the Departments of the Army, Justice, State, and Treasury. Among our members are the former Commissioner of Internal Revenue, Margaret Milner Richardson; the Chair of the Board of Directors of the American Gathering of Jewish Holocaust Survivors, Roman Kent, himself a Holocaust survivor; and the President of Brandeis University, Dr. Jehuda Reinharz, much of whose academic work focuses on the Holocaust.

The Presidential Commission employs teams of researchers investigating questions about (1) gold; (2) financial assets including bank accounts, securities and intellectual property; and (3) art and cultural property including books, manuscripts, religious objects, gems, and jewelry. The National Archives has given us an office in their main records facility, and the United States Army’s Center of Military History has provided us a second research office and a secure document storage area in their headquarters at Fort McNair. I would like to take this opportunity to commend the National Archives and Records Administration and the Department of the Army for their support. You should know that they have done everything we have asked of them and more.

Because the Presidential Commission found it must review approximately 45 million pages of documents that are relevant to its work, Senator Gordon Smith introduced legislation with Senators Grams, Boxer, and Dodd that passed unanimously last year and extended the Commission’s mandate for one year, making our final report due to the President at the end of calendar year 2000. The House passed similar legislation, also unanimously. *I am pleased to report that the Presidential Commission expects to deliver its report on time.*

I anticipate that our final report will be comprised of two parts: (1) a historical report that will detail the Presidential Commission’s research findings and (2) the Commission’s recommendations to the President on what legislative and administrative actions should be taken to achieve justice.

Among the topics we expect to address in the historical report are:

- The agencies that took control of victim assets for the United States Government before, during, and after the war,
- The policies of these controlling agencies including where they originated and how they developed,
- The universe of assets subject to American control including assets under American control,
- Estimates of victim’s assets looted by the Nazis and received by the United States and estimated percentage of victim wealth passing into or through American hands,

- American restitution policies and procedures in the United States and in Europe,
- How heirless assets were treated under the restitution policies,
- Deviations, misappropriations, diversions and theft, and
- What research remains to be done.

Throughout the report, the Presidential Commission will not mince words or censor itself, and the Commission's actions so far have proven our willingness to ask tough questions, follow through, and tell the truth.

In addition to our historical role, the Presidential Commission has already affected the landscape of Holocaust assets issues. Examples of this are our work to help declassify Nazi-era documents, identify Nazi-looted books in the Library of Congress, and facilitate searches at the National Gallery of Art and elsewhere for artwork with questionable history, as well as our interim report on the mystery of the Hungarian Gold Train.

DECLASSIFYING NAZI-ERA DOCUMENTS

The Presidential Commission has been working closely with the Nazi War Criminal Records Interagency Working Group and has helped facilitate the declassification of 400,000 pages of Nazi-related records by the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Council, the Justice Department, the State Department, the Department of Defense, and other branches of the United States government. We expect this newly available information to offer a clearer picture of the policies and actions of our government before, during, and after the Holocaust. The members of this Interagency Working Group should be commended for their hard work and dedication to their mission.

NAZI-LOOTED BOOKS IN THE LIBRARY OF CONGRESS

It has long been known that after World War II, the Jewish Cultural Reconstruction Organization distributed books that had been looted by the Nazis from individuals who later perished in the Holocaust to American libraries, including the Library of Congress. Unfortunately, because of common record-keeping practices, the Library is not able to identify those books today, or to say which books it kept and which it sent to other institutions.

After several months of discussion with the Commission, the Library of Congress has agreed to an unprecedented plan in which rabbinical students will volunteer their time to review a sample of the Library's collection to help identify the number of books looted by the Nazis. This information will help illuminate whether it is advisable to identify these books individually or take other steps to recognize the special and tragic nature of their origin. The Commission appreciates the cooperation of the Library in addressing these issues.

NAZI-LOOTED ART IN THE NATIONAL GALLERY OF ART AND ELSEWHERE

The National Gallery of Art, implementing the suggestion of Commission researchers, recently found a way to improve the database on its Internet website to allow more comprehensive searches of the known provenance of individual works of art. Now, anyone anywhere in the world will be able to investigate the history of the objects in our national gallery's collection. While there still may be specific works of art in the Gallery's collection that need further research, the fact that the National Gallery took the lead to make its records more transparent so that appropriate questions can be raised helps demonstrate the American commitment to finding the truth. This cooperative relationship speaks volumes about our government's openness and willingness to ask itself the challenging questions.

The Presidential Commission will hold a hearing on Nazi-looted art and cultural property in New York City next week, on April 12. At this hearing, we will focus on the roles of other American museums and art dealers, as well as hear testimony about recent actions to reconstitute Nazi-looted artworks and the specific challenges of tracking looted Jewish cultural property.

Please note that the vast majority of art plundered by the Nazis was not "world class" or "museum quality" work. Most of what was taken were paintings of the type owned by successful—but not extremely wealthy—families, domestic silver and household artifacts, and, of course, many Jewish religious books and other religious items. The members of the Commission realize that though we hear a lot about Old Masters and similar paintings taken from the wealthiest collectors or most successful dealers, they make up only a fraction of the numerically more significant theft.

Among the witnesses we will hear from are an expert on Jewish cultural property from the Jewish Museum in New York, a representative of the New York State Hol-

ocaust Claims Processing Office, and a leading art loss investigator. We will also hear from the following individuals:

- Philippe de Montebello, the Director of the Metropolitan Museum of Art in New York (the Met). The Met said recently that it will publish a study showing how many of its two million works of art it has scrutinized to see if the Nazis might have looted them. Mr. de Montebello has been invited to release the study at the hearing.
- Mr. Glen Lowry, the Director of New York's Museum of Modern Art (MOMA). The MOMA said recently that it would consider identifying which of a dozen works of art it is studying to find out whether they are Nazi loot. Mr. Lowry has been invited to make the identification at the hearing.
- Mr. Malcolm Rogers, the Director of the Boston Museum of Fine Arts (MFA). The MFA is scrutinizing 15 to 20 paintings to see if the Nazis may have stolen them. Mr. Rogers has been invited to give status report at the hearing.
- Dr. Lawrence Wheeler, the Director of the North Carolina Museum of Art will testify to the Presidential Commission about how his museum recently returned a painting by Cranach the Elder to two Viennese sisters from whose family it was originally looted.

UPDATE ON THE MYSTERY OF THE HUNGARIAN GOLD TRAIN

In October, the Presidential Advisory Commission on Holocaust Assets in the United States released a progress report on its research into the "Hungarian Gold Train."

This progress report raised the possibility that the United States' policies with regard to restitution were altered or ignored in light of other concerns. This report received significant coverage in the media here and abroad and clearly established the principle that while many of the Presidential Commission's findings may praise American activities, some may not, and our highest priority is discovering the truth.

In the United States, the public reception to the report was overwhelmingly positive despite the fact that it broke with conventional American views about our actions in Europe during and after World War II.

In Europe, the report led to re-discovery of records about the train that previously could not be found and a series of meetings and correspondence between Commission researchers and their analogues in several European countries. This has resulted in newly shared information that may require us to refine the interim conclusions from our October report. But the larger issue—that our openness about less-than-positive aspects of our past led to similar openness by researchers in other countries—strengthens our belief that we should pursue the truth without fear or favor.

SUPPLEMENTAL APPROPRIATIONS

In the course of the Presidential Commission's work, we have discovered new areas of inquiry that must be examined. These additional activities include a review of agreements that may have existed between the United States and Western European countries regarding the restitution of property to individuals; a review of bank and travel agent records of assets transferred to the United States by Holocaust victims; and, the implementation of a project that would cross-match records of Holocaust victims with unclaimed property lists.

Completing this extra work will require additional resources. For this reason, the President sent a supplemental funding bill to the Congress last week that includes \$1.4 million for the Presidential Commission (still leaving the Commission below its authorized level of appropriations).

I hope that the Congress can support these necessary additional resources for our work.

CONCLUSION

Mr. Chairman, the irony of the central role of the truth in President Roosevelt's Arsenal of Democracy is that the truth about the Holocaust was *not* always told to the American people.

For instance, historians report that on August 8, 1942, Dr. Gerhart Reigner, the World Jewish Congress representative in Geneva, sent a cable to Rabbi Stephen Wise, who was the President of the World Jewish Congress, detailing "an alarming report" that Hitler was planning that all Jews in countries occupied or controlled by Germany "should after deportation and concentration . . . be exterminated at one blow to resolve once and for all the Jewish question in Europe."

The State Department's reaction was to refuse to give the cable to Rabbi Wise. After Rabbi Wise got a copy of the cable from the British, he passed it along to the Undersecretary of State, who asked him not to make the contents public. Rabbi Wise didn't make it public, but he did tell President Roosevelt, members of the cabinet, and Supreme Court Justice Felix Frankfurter about the cable's contents. None of them chose to speak publicly about this issue, and there is no evidence that any of them acted on it.

The United States government finally did acknowledge the report some months later, but the questions remain: how many lives could have been saved had we responded to this clear warning of the Holocaust earlier and with more vigor? What was the cost of hiding the truth from the American people and the world?

While we cannot answer these questions with precision, they do suggest one clear response—we cannot afford not to tell the truth about the American government's actions regarding Holocaust assets.

When signing into law the bill to extend the Presidential Commission, President Clinton declared that "The Commission's research demonstrates irrefutably that we in the United States are willing to hold ourselves to the same high standard of truth about Holocaust assets to which we have held other nations . . . (T)he Presidential Advisory Commission sends a strong message, both at home and abroad, that we are committed to examining difficult aspects of our history and determining how to build a better world for our children in the next millennium."

The Presidential Commission bears this responsibility fully and proudly, and I look forward to sharing with you the final results of our work at the end of this year.

Senator SMITH. We appreciate so much your efforts in this. And I guess my question is: Is there anything that this committee can do more of to facilitate you and the Commission in getting your final report out, and getting the best result possible? Is there any influence we can lend, budgets we can pass?

Mr. BRONFMAN. Well, I do not think it is a matter of money at this point. I think the only thing that the U.S. Senate can do through this committee, is to implore others to make sure that their archives are available to us, just as we have opened and declassified so many documents here. We do not get the same speed and the same reaction from all other governments in Europe.

Senator SMITH. When you alert us to specific instances where we can weigh in as a committee, I bet I can get a lot of Senators on this committee to sign a letter and to help pry open some of these archives.

Mr. BRONFMAN. Yes, no question, Senator, we will.

Senator SMITH. We will respond right away, as soon as you identify them.

Mr. BRONFMAN. Thank you.

Senator SMITH. We are rejoined by Senator Wellstone. I apologize to him. We did not get to him earlier when Professor Wiesel was here.

But, Senator, would you like to make a statement or ask questions?

Senator WELLSTONE. No, I have—no, thank you, Mr. Chairman. My apologies. I want to thank you for your graciousness.

We have had a debate on the budget, and so I was back and forth to the floor. And I hate coming in and out and have to do it yet even again, but the one question I would like to ask is: Are there—you alluded to this in your testimony. Are there major obstacles to the Commission's work from some of the other countries, and which others?

Mr. BRONFMAN. I think the only area that I know of is the question of archives. Perhaps Ken, you would like to—

Mr. KLOTEN. Senator Wellstone, I think the chairman is correct. That is the single, biggest question mark that remains in this whole area of Holocaust historical research, and that is what is in a number of archives that have not yet been reviewed.

These archives are not just in places where you would expect like the former Soviet Union, the countries of Eastern Europe, but also in some Western European countries where documents are unavailable because of salutary reasons like privacy legislation and things like that. Nevertheless, it is a problem for Holocaust research.

I think there is a great deal of cooperation among the 18 historical commissions that Secretary Eizenstat spoke about. Nevertheless, it is something that demands continued vigilance.

Senator WELLSTONE. I will have to read Secretary Eizenstat's—I missed his testimony. I did hear Mr. Wiesel's. I will definitely read it.

Thank you.

Senator SMITH. Senator Sarbanes.

Senator SARBANES. Thank you, Mr. Chairman.

First of all, I am very pleased to welcome Edgar Bronfman before the Congress. We worked together on the Banking Committee with Senator D'Amato some years ago to get, sort of, this latest round of attention of these issues focused. And I am pleased to have you back before the committee.

I just have one question. I want to be certain—you said that you did not need any—the Commission did not need any more money. But I want to be certain that the time frame and the money frame within which you are working are adequate for you to do the job completely.

And here is my concern: Once you finish and do your report and so forth, I think the question of getting an effort up and going once again, if we then judge that somehow we were not thoroughly complete in this round, may well be difficult. Who knows?

But, it will obviously then be met with the argument, "Well, we did a Commission. They did a report. That is sort of the end of it."

So, frankly, if you have some doubt about that, we ought to give you yet some more time and some more resources. I mean, this is a matter of judgment because obviously we want the report, the sooner the better because things fall from it.

But I am just searching to get some assurance from your point of view that this is an adequate time frame, and an adequate resources framework within which to complete the job, because I just anticipate that if we then come back and want to revisit this in the near future, we will be met with that kind of argument.

Mr. BRONFMAN. I think you are making a very good point. We will definitely have a report by the end of the year, which was our challenge. But in the course of our research, of course, many things get kicked open all the time.

And it may be that during the summer which is when we will be meeting continually and in the early fall, we may have to come back and say, "We need to have some supplemental money because of this, this, this, and the other lines of investigation that we just must follow."

But, at this moment in time, sir, I cannot ask for more money because I cannot be specific about for what we need the money.

Senator SARBANES. Right.

Mr. BRONFMAN. And the time, well, that would be early fall. We will know then whether we need more to continue the leads or not.

Senator SARBANES. Well, I just hope you will be very sensitive to this concern because I think in response to the chairman's question, that is another way we could help the Commission, if, in fact, you discern that that is necessary.

And I think it is important if it is needed—if you calculate that it is needed, to get that extension within the context of not yet having totally finished your work, than to have you come in sort of totally having finished your work and then trying subsequently to reestablish this effort. I think that is important. And I appreciate—I think you are very sensitive to it, and we will work on that together.

Mr. BRONFMAN. We are, Senator, and I am thrilled with the sense of the committee, at its willingness to help us if we need to have more financial support.

Ken, do you want to add anything to this? I know you are itching to say something.

Mr. KLOTHEN. Well, I did want to say that as Chairman Bronfman mentioned in his prepared remarks, that we are included for an additional \$1.4 million in the President's supplemental appropriation request. That is budgeted to take on some of these things that have opened up in the course of our research.

That said, however, I think it is also fair to say without prejudging the ultimate conclusions that the Commission will draw, that in the course of our research, we have come across areas that we have set aside saying that within the time frame and within the budget constraints that are available to us, this is not going to be answerable, and will have to be left for later. And we will make a recommendation that this is an area that requires further research.

Senator SARBANES. Thank you, Mr. Chairman.

Senator SMITH. I thank you very much, Senator Sarbanes.

Edgar Bronfman, we thank you, and the Commissioner as well, we thank you for being here and for sharing your testimony. And please let us know when we can be helpful.

Senator BIDEN. Mr. Chairman, I—

Senator SMITH. Oh, if you can hold on. Senator Biden did have a question.

Senator BIDEN. More of a comment, Mr. Bronfman, than a question. I will be very, very brief. I was—I felt more comfortable when you owned Delaware, No. 1.

And No. 2, I want you to know we have something else in common. There is a fellow who literally saved my life, who you have and your family have helped a great deal in terms of the research and funding for the University of Virginia, Department of Neurosurgery, Neil Cassells.

He is a first-rate guy. And I just wanted you to know what he is doing is incredible. And what you are enabling him to do is even more incredible. So I just wanted to publicly thank you for that.

Mr. BRONFMAN. We are having dinner Friday night, and I will relay that to him.

Senator BIDEN. Oh, really? I mean, he is—I probably should not tell you this. He operated on me twice—co-operated on me twice and I never saw him. I had two aneurysms. And my son said, “This is a wonderful guy. You should meet him.”

And my son was a senior at Georgetown University at the time. And he arranged it after I recovered after 7 months, came back to work, and we met him in a restaurant. I had never seen him. Every time I would roll into the operating room, I was out and he was—to make a long story short, I sat down with him. And he is very engaging, and we became friends.

But his first comment was, “Senator, what do the angels sound like?” And I looked at him like, this guy operated on me? This guy must be nuts.

He said, “No, you were clinically dead.” And he has a serious interest as you probably know, in wondering what people who—what they see, or think, or if there is any experience after.

I said, I do not remember a damn thing. I guess that must not mean much.

I said, all I remember is blinding white light.

He said, “Everybody says that.”

So, tell him when he figures out what that means, let me know whether I am going there or there, which way I am heading. I would like to know.

Mr. BRONFMAN. I will, Senator.

Senator BIDEN. All right. Thank you very much. Thank you for your help.

Senator SMITH. Thank you, Senator Biden.

And again, we thank you both for participating with us today and for all you are doing on this issue.

We have a final panel, our fourth, to examine another legacy of the Holocaust, that of the continuing prevalence of anti-Semitism abroad. Two of our witnesses I asked to appear before this committee last year to testify on a similar subject, the rise of anti-Semitism abroad.

We welcome today Mr. David Harris, executive director of the American Jewish Committee. We also welcome Mr. Mark B. Levin, executive director of NCSJ, Advocates on Behalf of Jews in Russia, Ukraine, the Baltic States, and Eurasia. And we finally welcome Rabbi Israel Singer, secretary general of the World Jewish Congress.

And we welcome you all, and we will start, David, with you.

**STATEMENT OF DAVID A. HARRIS, EXECUTIVE DIRECTOR,
AMERICAN JEWISH COMMITTEE**

Mr. HARRIS. Thank you, Mr. Chairman. First of all, permit me to express my deepest appreciation to you and to your distinguished colleagues for holding this important and timely hearing, and for affording me the opportunity to testify before the Committee on Foreign Relations about the state of anti-Semitism in Europe and the Middle East.

I applaud the committee's deep and longstanding interest in the Holocaust and its legacy, as well as in the subject of anti-Semitism.

I am also honored, Mr. Chairman, to share the role of witness together with Elie Wiesel, Stuart Eizenstat, Edgar Bronfman,

Israel Singer, and Mark Levin, all of whom I respect and consider friends.

Mr. Chairman, I will be excerpting from my written testimony, but ask that the full testimony be included in the record.

Senator SMITH. Without objection.

Mr. HARRIS. Let me, if I may, deviate for just a second from what I have prepared, in reaction to a comment that was made by Senator Boxer.

One of the reasons that this hearing is so important, Senator Smith, is because of the press of time. Senator Boxer indicated that—and I would like to illustrate it for you in a very personal way. The Austrian National Fund was created several years ago. My father, who lived many years of his life in Austria, was not certain whether to apply for the Austrian National Fund or not.

He called it blood money, conscience money. And he did not want to give the Austrians the satisfaction of accepting it, should he be found eligible. But after some hemming and hawing and as his mortality became apparent, he decided to apply for it, mostly because he wanted some acknowledgment from the Austrians of the suffering that had been inflicted upon him. He submitted the papers with hesitation, but with my encouragement.

And then he was caught in a bureaucratic morass where he was told that he had not fully demonstrated eligibility. This went back and forth for some months, and my father said to me, “I told you I should not have done this.”

In November 1998 at the Washington Conference on Holocaust Era Assets, the director of the Austrian National Fund approached me, and said, “David, we sorted out the problems of your father, and I am pleased to say that he can receive 70,000 Austrian shillings.”

And I said to this very able and dedicated woman, there is only one problem. My father is dead.

I think this illustrates the importance of this hearing, and the urgency of time, and the need to get on with the distribution of the funds that have been made available through the indefatigable efforts of a number of the people who have testified before this committee today.

Mr. Chairman, I have the privilege of representing the American Jewish Committee, the oldest human relations organization in the United States. For 94 years, we have espoused a steadfast vision of promoting ethnic and religious understanding worldwide.

This vision has only grown more crucial with the passage of time, and especially since the end of the cold war. Although the focus of my testimony is on anti-Semitism in Europe and the Middle East, we fully recognize that the broader problems of intolerance affect every corner of our globe, including our own country, and indeed may well prove one of the most daunting and intractable challenges of the 21st century.

Allow me, Mr. Chairman, to focus first on Europe. I will leave the former Soviet Union aside, as Mark Levin will be addressing that in his testimony.

Historically, much of the hatred of Jews in Europe, the discrimination, the creation of the ghettos, and the physical attacks against Jewish communities resulted from religiously inspired anti-Semi-

tism. On this front in the past several decades, there has, as we all know, been dramatic change.

The Catholic Church, beginning in 1965 at the Second Vatican Council and centrally in the current papacy of Pope John Paul II, and many of the Protestant churches including, importantly, the Lutheran church, have taken truly historic steps over the last half century to end the teaching of contempt of Jews and Judaism, and to forge positive bonds with the Jewish people worldwide.

Two and three decades ago, we saw the strongest expressions of anti-Semitism in Europe coming from the extreme left. Often cloaked in anti-Zionism, extremist left-wing groups such as the Italian Red Brigades and the German Baader-Meinhoff collaborated with Arab terrorist groups in acts of violence against Jewish and Israeli targets.

Working in Europe in the late 1970's with the flow of Jewish refugees from the Soviet Union and Eastern Europe, I was personally aware of and very close to the real danger posed by this nexus. Most recently, however, this threat seems to have been reduced, not eliminated, but reduced.

Today, it is the far-right in Europe that espouses anti-Semitism most virulently. The threat is not only physical. One of its favorite tactics, as has been referred to both by Professor Wiesel and by Senator Sarbanes, is the pursuit of Holocaust denial, by maintaining that the Jews simply "made up" the Holocaust, and have "hoodwinked" the world into believing a lie. Neo-Nazis seek to reverse images and convince the world that they are, in fact, the true victims.

Unfortunately, Mr. Chairman, it must be acknowledged that much of the published material that fuels Holocaust denial in Europe, where it is banned by many countries, actually comes from the United States.

In the last decade, extreme right-wing parties have entered mainstream politics. The chart² on the easel, Appendix A in our testimony, shows the countries in which ultra-right-wing parties have received a significant degree of popular support.

The countries include Austria, Switzerland, Norway, France—prior to 1999, when Jean Marie Le Pen's National French Party split apart—Belgium, Italy, and Hungary; and the percentage of the vote they have garnered ranges from 5.5 to 27.2.

Allow me to spend a moment on Austria's Freedom Party and its inspiration, Jorg Haider, who has managed to create the most successful xenophobic party in postwar Europe, gaining 27.2 percent of the national vote in October 1999.

This next panel shows the dramatic record of this party's rise over the last 15 years, from 1986 until 1999.

Haider's success is due to several factors. First, he was seen as a bold and telegenic young leader who would introduce change after what was perceived as an interminable reign of the conservative-socialist coalition.

²This chart and additional charts and material for the record, referred to during Mr. Harris' testimony, appear in his prepared statement beginning on page 65.

Second, he was seen as someone who would stand up for the “rights” of Austrians against the growing number of refugees who had entered the country.

And last, but by no means least, Haider and his colleagues in the Freedom Party have catered to the worst sentiments of ultra-nationalism, nostalgia, and, yes, historical revisionism in the Austrian populace.

Appendix B-2, which is in my full testimony, illustrates just a few of the most offensive statements coming from Freedom Party spokesmen.

What are the lessons to be learned? Germany, for one, it must be said, has been exemplary in its efforts to educate its population about the history and the contemporary meaning of the Nazi era. It is no coincidence, then, that the far-right has not found its way into the mainstream in National German politics, but has largely been relegated to the margins.

Though there are no sure-fire formulas, education and a clear and consistent stand by a nation’s political, cultural, and religious leaders can be said to generally strengthen immunity against Holocaust denial and hate.

Sweden should also be mentioned in this context. Prime Minister Goran Persson brought together an impressive gathering of high-level political officials in Stockholm this January to discuss the importance of Holocaust education.

Our country’s delegation was led by the Deputy Secretary of the Treasury Stuart Eizenstat, whose efforts on behalf of Holocaust survivors and the restitution of looted Holocaust-era assets have been both inspiring and decisive.

Moreover, the Jewish American Committee applauds the European Union and the State of Israel for their principled decision to reduce diplomatic ties to Austria in the wake of the Freedom Party’s inclusion into the ruling coalition, a stance that sent a strong message to Austria that far-right participation in governance will not be accepted in the international political mainstream.

Further, some political leaders to their credit have managed to marginalize the far-right by mobilizing the national mainstream. The massive French demonstrations led by then-President Francois Mitterand in reaction to a particularly vile Jewish cemetery desecration in Carpentras in 1990; the peaceful demonstrations of Austrian students against Joerg Haider in the streets of Vienna; the strong reaction of Italian authorities to the bizarre appearance of Nazi symbols and slogans at some of the major national soccer matches in Rome and elsewhere; and the frequent public comments repudiating anti-Semitism by Czech President Vaclav Havel are laudable examples of this.

I personally can attest to the power of solidarity so overwhelmingly evident when people of goodwill came together in masses, as they did at the Muslim funeral which I attended in Cologne, in 1995 for five Turkish women from Solingen, Germany, who were killed when neo-Nazis firebombed their homes.

On the other hand, Mr. Chairman, the deafening silence of Polish President Lech Walesa in 1995, when Father Jankowski, Walesa’s parish priest in Gdansk, delivered a vituperative anti-Semitic

speech in the presence of the President, is a glaring example of how not to respond.

Our country, Mr. Chairman, has a vital role to play in the international arena and especially the multilateral arena, by taking a more active stance in ensuring that the United Nations and other international organizations face the important challenge of reducing anti-Semitism per se, rather than allowing it to fall victim to indifference or, even worse, the cynical political maneuverings of some nations.

Allow me now, Mr. Chairman, to turn briefly to the subject of anti-Semitism in the Middle East, which is driven largely by Arab political rejectionism and Islamic extremism.

As mentioned earlier, Middle East terrorism has also been a driving force of crimes against Jews and others in Europe and will continue to require careful monitoring and intelligence-sharing among democratic countries who are its potential targets.

The situation in the Middle East is worrisome, and politically dangerous, since it poisons the atmosphere surrounding the promising, if enormously complex, Arab-Israeli peace process.

From Egypt to Jordan, to the Gulf nations of Qatar and the United Arab Emirates, to the Palestinian Authority, the official Arab media, sanctioned and often even owned by family of its nations' rulers, has frequently spouted Holocaust denial and other forms of anti-Semitism, making such outlandish accusations as the popular slander that Israel is poisoning the Arab people, or infecting Palestinians with the HIV virus, or sending Israeli women into the Arab world to undermine moral values and spread disease.

Among the latest public statements by Arab leaders denying the facts of the Holocaust were those of the Palestinian Authority-appointed Mufti of Jerusalem, Ikrema Sabri, during the landmark visit of his holiness, Pope John Paul II, to Israel.

Said Sabri, "It's true, the number was less than 6 million and Israel is using this issue to get sympathy worldwide." He said it on the Saturday before meeting the Pope.

The Mufti's comments, reminiscent of his wartime predecessor who actually allied himself with Adolf Hitler, indicate a deeper and more sinister current espoused by Arab political and spiritual leaders that is reflected on the pages of both official newspapers and school textbooks.

Syria's public school textbooks are an example. A new study published here in Washington reveals state-sponsored curricula replete with anti-Semitism, Holocaust denial, demonization of Israel, and open calls to exterminate Jews.

It is no wonder then, perhaps, that the editor-in-chief of the official government newspaper in Syria, Tishreen, recently asserted, "Zionists created the Holocaust myth to blackmail and terrorize the world's intellectuals and politicians."

I have brought just a few of the offensive cartoons that are to be found in the Arab press as well, since a cartoon, too, can speak a thousand words.

This first cartoon was run on February 29, just about 5 weeks ago, in a mainstream newspaper in Egypt, a country that signed a peace treaty with Israel 21 years ago. It shows David Levy, the

Foreign Minister of Israel, painting a swastika onto a building with the caption in Arabic, "Levy's Diplomacy."

Al-Hayat Al-Jedidah, an official Palestinian Authority daily with the widest circulation in the territories, published this next cartoon at the end of last year.

While the original has lost something in the copying, what is depicted here is a short, grotesque figure with a Star of David in the middle. He is labeled in Arabic, "the disease of the century." And he is situated between an old man, who represents the 20th century, and a young man who denotes the 21st century.

And according to recent press reports, Adolf Hitler's infamous Mein Kampf, which is officially permitted for distribution within the Palestinian Authority, is currently No. 6 on the best-seller list in PA-controlled areas. And here is a copy of the cover of Mein Kampf, which was published in Lebanon and is currently being distributed.

Such frenzied and outrageous anti-Semitic activity in these countries deserves heightened attention from the United States.

It is an inconvenient truth that can no longer be ignored, or downplayed, or viewed as little more than an Arab negotiating tactic or tendency to hyperbole in the testy Arab-Israeli peace talks. There is, in short, an urgent need to reject this behavior unconditionally.

The United States is in an unprecedented position to make a difference in the Middle East, as we all know; not in all the countries of the region, perhaps, but certainly in many.

Our Government, through appropriate channels, must condemn the hateful rhetoric in the clearest of terms and send an unambiguous message that this kind of behavior is unacceptable and damaging to our national interests, including the quest for peace in the region.

Mr. Chairman, thank you.

Senator SMITH. Thank you, David, for that very powerful testimony.

[The prepared statement of Mr. Harris follows:]

PREPARED STATEMENT OF DAVID A. HARRIS

Mr. Chairman, permit me to express my deepest appreciation to you and to your distinguished colleagues for holding this important and timely hearing, and for affording me the opportunity to testify before the Senate Committee on Foreign Relations about the State of anti-Semitism in Europe and the Middle East. On a personal note, it is a pleasure to see you again.

I have the privilege of representing the American Jewish Committee, the oldest human-relations organization in the United States. We were founded in 1906 by a group of prominent American Jewish jurists, diplomats, and businessmen who felt that wherever in the world Jews were threatened, no minority was safe. These esteemed contributors to American civic life—men like Cyrus Adler, Louis Marshall, Jacob Schiff, and Oscar Straus—sought to promote nationally and internationally the concept of legal protection for minorities and the uniquely American idea of pluralism.

They were prompted, I should note, not only by lofty ideals of ending intolerance for all, but also by an immediate concern. The massacres of Jews in Tsarist Russia in the first years of the twentieth century greatly troubled these noble men, and they organized their response effort by creating the American Jewish Committee.

We at the American Jewish Committee have seen over the decades—and indeed, as we consider the longer timeline of history—a strikingly close correlation between the level of anti-Semitism in a society and the level of general intolerance and violence against other minorities. Indeed, the treatment of Jews within a given society

has become a remarkably accurate barometer of the State of democracy and pluralism in a society. Where Jews are safe to practice their religion and express their identity, all citizens are likelier to be secure; and where Jews are endangered, history teaches, it is not long before other groups are targeted and mistreated. Bigotry and xenophobia, whether expressed against Jews or any other vulnerable minority, are threats to the entire social fabric. In effect, it can be said that by dint of our historical experience, Jews have become the miner's canary, often sensing and signaling danger before others are touched.

For 94 years, the American Jewish Committee has espoused a vision of ethnic and religious understanding worldwide. It has been a compelling and constant vision. Rather than losing relevancy, its message has grown more crucial with the passage of time. This has been especially and painfully apparent since the end of the cold war, as ethnic and religious tensions see the, and sometimes break out into violence and war.

At the scholarly level, the American Jewish Committee has conducted pioneering research on anti-Semitism. In the post-World War II period, we were proud to sponsor the seminal five-volume series, *Studies in Prejudice*, which offered groundbreaking theoretical models, including *The Authoritarian Personality*, still in use today to explain the nature of racism and anti-Semitism. We continue to conduct regular surveys of attitudes toward Jews and other minorities in the countries of Europe and beyond, and to examine tolerance in school curricula and politics through published studies and conferences.

Mr. Chairman, at the outset of my testimony, it seems appropriate to ask an age-old question: what is the essential nature of anti-Semitism? As Professor Daniel Goldhagen of Harvard University has written, in the final analysis, the answer is inevitably elusive: "Anti-Semitism . . . is only dimly understood. Our apprehension of what it is, how it is to be defined, what produces it, how it is to be analyzed, and how it functions, remains, despite the volumes." The problem lies in the "difficulty of studying its host domain, the mind."

But while the true essence of anti-Semitism may ultimately remain impossible to grasp, its manifestations are easier to identify. Throughout history, anti-Semitism has been inherently intertwined with cynical political aspirations and maneuverings, and with broader and more complex issues of national identity and the social psychology of the fanatic. "The fanatic seeks to oppress all those surrounding him. He uses political oppression, economic domination, social slavery and the worst of all, oppression of the mind," Nobel Laureate Elie Wiesel wrote in a powerful essay in *Das Jüdische Echo*, an Austrian Jewish periodical. "The fanatic defines himself by his victim's pain and fear rather than by his creativity," continues Wiesel. "He feels threatened by a mind or soul that is free."

Although the focus of this testimony is on anti-Semitism in Europe and the Middle East, we fully recognize that the broad problem of intolerance affects every corner of our globe, and indeed may prove one of the most daunting challenges of the new century. Nor is the United States immune. Just last summer, we saw a spate of hate killings in Illinois, Indiana, and California, and arson attacks on three synagogues in Sacramento, among other tragic acts of hate-inspired violence.

Many democratic governments and people in Europe—a continent linked culturally, politically, and economically with our own and embarked on the laudable goal of ever closer regional integration—have embraced new economic and social trends. But we also see a backlash that includes new political and social acceptability for extreme right-wing parties that espouse intolerance and thinly veiled anti-Semitism. Given the brutal history of anti-Semitism in Europe, this bears close scrutiny.

In the Arab world today, the situation is still more disturbing. Here, anti-Semitism is open and unvarnished—contradicting entirely the diplomatic talk of peace in the region and undermining our longing for an end to the Arab-Israeli conflict and full normalization, and a new spirit of cooperation and development in the region.

In both these regions so vital to American interests—Europe and the Arab world—it is crucial for us to understand the sources of anti-Semitism, their scope and magnitude, and the relative danger they portend.

I. ANTI-SEMITISM IN EUROPE

Allow me, Mr. Chairman, to focus first on Europe. I will not touch on developments in the former Soviet Union, as my fellow panelist and esteemed colleague, Mark Levin of the NCSJ, will address that topic in his testimony.

There are a number of disturbing incidents and trends that bear watching. It is axiomatic that manifestations of anti-Semitism that are now current in Europe

must be taken extremely seriously. Anti-Semitism is the oldest known social pathology, and for centuries, Europe has been its primary incubator. Europe has afforded many opportunities to Jews over the centuries, including the freedom to pursue a rich cultural and intellectual life in various countries at various times. But Europe is also the site of blood-soaked chapters of history for the Jews. It was not long ago that one man's sick vision of a new social hierarchy where Aryans were at the top, Eastern Europeans at the bottom, and Jews marked for extinction, caught the brutal fancy of too much of continental Europe's supposedly enlightened population and was greeted with passive indifference by much of the rest.

The American Jewish Committee has identified, and continues to monitor, six sources of anti-Semitism that at one time or another in history have threatened Jews: (1) extreme right-wing, extra-parliamentary groups; (2) extreme right-wing political parties; (3) ethnically or religiously-based models of national identity that distinguish, *de jure* or *de facto*, among and between a country's population groups; (4) extreme left-wing, extra-parliamentary groups; (5) church-based anti-Semitism; and (6) Arab and Islamic extremist groups operating in Europe.

(1) Extreme right-wing, extra-parliamentary groups

The most evident sources of anti-Semitic activity in Europe today are fringe groups that are driven by extreme right-wing ideologies and are overtly neo-Nazi. Their targets are Jews, immigrants, guest workers, refugees, Roma and Sinti—in other words, anyone they regard as the “other.”

Such groups, which also operate in the United States, are cause for deep concern. They promote hate and are responsible for bone-chilling violent crimes and despicable acts of domestic terrorism. But these issues take on quite another dimension in Europe. While American neo-Nazis may fantasize about an America in which only white Christians have rights, today's extreme-right groups in Europe can actually look back to a not-too-distant history when such an ideology prevailed in Germany, Austria, and beyond, and seek to pick up that historical thread and build upon it.

Anti-Semitism is inextricably intertwined with the worldview of contemporary neo-Nazi groups. Even in societies in which virtually no Jews live, the rhetoric of such groups remains startlingly focused on hatred of Jews. Indeed, at times, there almost seems to be an inverse relationship—the fewer the actual number of Jews in a given country, the more shrill the language about the alleged Jewish menace.

There is a certain eerie normality to far-right activity in Europe. Throughout the continent, heavily armed guards stand in front of synagogues and other Jewish institutions around the clock to calm fears inspired by regular bomb threats. It is a shocking sight for Americans visiting abroad, but nothing new for Europeans. Perhaps the wide acceptance of this situation helps to explain why in a number of European countries, anti-Semitic incidents, including the frequent desecration of cemeteries, fail to elicit much public outcry.

Bizarrely, soccer, the most popular sport in Europe, has also become a visible outlet for anti-Semitic expressions. Fans in Italy have notoriously given voice to pro-Mussolini sentiments and crude anti-Semitism. A banner held up to a competing team at a major national match last year read: “Auschwitz is your country and the ovens are your homes,” but signs with swastikas are so common that they do not even make the news. Italy, it should be noted, has begun to take steps to address this vulgar—and in Italy, also illegal—behavior, including threats to stop games that are interrupted by offensive signs and penalizing teams. But the problem extends to Holland, Germany, England, and to a culture of soccer fans that exists throughout Europe and beyond.

One of the central components of radical right-wing ideologies is Holocaust denial. It is not simply that deniers want to remove the moral albatross of the Holocaust from the image of fascism—although they *do* clearly want to do this. By maintaining that Jews simply “made up” the Holocaust, and have “hoodwinked” the world into believing a lie, the neo-Nazis seek to reverse images and convince the world that they are the victims. Neo-Nazis realize that the shadow of the Holocaust has created a certain sympathetic understanding of the vulnerability of the Jews and the danger of stepping on to the slippery slope of anti-Semitism; therefore denying, distorting, minimizing, trivializing, or in any other way defusing the power of the Holocaust tragedy is seen by neo-Nazis as strengthening their hand and giving further legitimacy and reach to their aims and objectives. Lessons reemphasized in the wake of the Holocaust—such as rejecting anti-Semitism and racism and valuing individual human life—are thus discredited as the product of Jewish “manipulation.”

Unfortunately, much of the published material that fuels Holocaust denial in Europe, though its dissemination is illegal in Austria, France, Germany, and Switzerland, among other countries, comes from the United States, where it is produced

under the protection of the First Amendment. Moreover, the worldwide Internet has dramatically enhanced the ability of extreme right-wing groups that distort history and espouse anti-Semitism, such as that of the California-based Institute for Historical Review and the Committee for Open Debate of the Holocaust, to spread their message. Many European officials have told us that their efforts to contain neo-Nazi movements would be strengthened if the United States could find the means to keep a closer eye on the movement of material from American-based neo-Nazi groups. Internet sites are also being founded in Europe to disseminate messages of anti-Semitism and hate. German authorities, who watch anti-Semitic trends with particular vigilance, estimate that the number of propaganda sites in the German language with anti-Semitic content increased by 600 percent in 1998.

European and U.S. far-right cooperation also exists in the field of racist and anti-Semitic white-power music, which has become part of the skinhead and younger neo-Nazi culture worldwide. While on the decline in much of Western Europe, due to internal fighting and legal crackdowns, white-power music continues to serve as a medium of cultural communication and to generate millions of dollars for far-right movements.

(2) Extreme right-wing parties

We see today an increasingly porous border between radical right-wing fringe groups and a growing number of extreme right-wing political parties that have been gaining acceptance in mainstream politics. Most obviously, the newest ultra-right-wing party in Germany—which captured nearly 13 percent of the 1998 vote in the State elections of Saxony-Anhalt, although, like other extreme right-wing parties in Germany, its national success has heretofore been marginal—is run by Gerhard Frey, a Munich publisher of extremist material who propagates the theory of an international Jewish conspiracy against Germany.

Extreme right-wing parties have now entered the mainstream, though it is important to note that these parties have generally gained popularity by appealing to a much broader spectrum of issues in their countries, such as opposition to immigration and to integration in the European Union.

Jean Marie Le Pen of the National Front Party in France regularly received 14 percent of the French vote, and climbed to 15.2 percent in 1997, though his popularity has gone down since his party split in 1999; Christoph Blocher's Swiss People's Party recently won 23 percent of the national vote, up from 14.9 percent in the election preceding it, making it the second most popular party; Carl Hagen's Progress Party in Norway claimed 15.3 percent of the 1997 vote; Frank Vanhecke's Flemish National Party won 10 percent of the Belgian vote in 1999; Italy's Northern League received just over 10 percent of the vote in 1996; and Istvan Csurka, with his anti-Semitic Hungarian Justice and Life Party, received 5.5 percent of the vote in 1998, becoming the first post-war, anti-Semitic party to enter the Hungarian parliament [Appendix A].

Allow me to spend a moment on Jorg Haider's Freedom Party in Austria, the most successful xenophobic party in postwar Europe [Appendix B-1]. Originally made up predominantly of aging former Nazis, the Freedom Party generally won between 5 and 6 percent of the vote before Haider took control in 1986—far behind the socialists and conservatives. In 1986, the party jumped to close to 10 percent of the vote. In 1990 its share of the vote went up to 16.6 percent, and in 1994 to 22.5 percent. At that point some observers thought the Freedom Party had peaked, its vote seeming to stabilize at 21.9 percent in 1995 and 22 percent in 1996. But in March 1999 the party won the provincial elections in the province of Carinthia with 42 percent of the vote there, and Haider was elected Governor of the province in April. Most recently, in the national elections of October 1999, the Freedom Party won the second largest number of parliamentary seats by capturing 27.2 percent of the vote.

While we readily acknowledge the resilience of Austrian postwar democracy and its respect for human rights, as well as the fact that 73 percent of Austrian voters did not support the Freedom Party, this disturbing development did not entirely surprise us.

The American Jewish Committee has developed close contacts with Jewish and other civic leaders in Austria over the past several decades, and we were keenly aware of the atmosphere in the country prior to the elections. Haider managed to win votes by tapping into several issues in Austrian society. First, he was seen as a bold and telegenic young leader who would introduce change after what was perceived as an interminable and all-too-cozy reign of the conservative-socialist coalition. Second, Haider was seen as someone who would stand up for the "rights" of Austrians against the growing number of refugees who had entered the country in the preceding decade from Eastern Europe and, in particular, the former Yugoslavia. And last but unfortunately not least, Haider appealed to an unsettling Aus-

trian ultra-nationalism that still exists in the country. He and his associates in the Freedom Party have made statements over the years which cater to the worst sentiments of nostalgia and revisionism in the Austrian populace [Appendix B-2]. Certainly, we recognize that some of those who cast votes for the Freedom Party do not necessarily harbor racist or anti-Semitic views. Nevertheless, we are troubled by the fact that they are not at all deterred from aligning themselves with those who do.

Furthermore, our own American Jewish Committee surveys of Austrian attitudes (conducted by Gallup in 1991 and 1995) reveal that a significantly higher percentage of Freedom Party supporters than other Austrians are disposed toward Holocaust denial and negative feelings about Jews. These people today remain a core constituency of Haider's party. Though Haider has formally resigned from the party's leadership, no one should be fooled; he remains its guiding light and inspiration. And precisely because he is devilishly clever and chameleon-like, he merits especially close scrutiny—particularly as he certainly seems interested in one day becoming Chancellor.

The history of Austrian attitudes bears directly on this hearing. In marked contrast to Germany, the Austrian government, for more than 40 years, showed little willingness to face its Nazi past. Indeed, until Chancellor Vranitsky's commendable speeches in 1991 and 1993, which followed on the heels of a self-examination forced on Austria by the Waldheim presidency, the country's leaders waltzed around Austria's central responsibility for the crimes of the Holocaust. The official Austrian line was that the country did not exist between 1938 and 1945 and therefore bore no responsibility whatsoever for what happened on its territory. Moreover, the Allies' declaration in Moscow in 1943 that Austria was the first victim State of the Third Reich provided the needed cover. In Austria, despite some notable efforts, there have still been too few organized attempts to stimulate dialog on the subject or to face history squarely and unblinkingly. Hence, Haider and his Freedom Party gain entree into the political mainstream when their rightful place is on the fringes.

The American Jewish Committee applauds the European Union and Israel for their principled decision to reduce diplomatic ties to Austria in the wake of the Freedom Party's inclusion into the ruling coalition.

In neighboring Germany, the fear of a contagion effect from the success of the Freedom Party has so far proved unwarranted. Far-right parties, for instance, captured a negligible portion of the vote in a German State election in Lower Saxony in February of this year. But following on the heels of Haider's victory, we saw in Switzerland the startling success of Christoph Blocher's Swiss People's Party, whose platform strikingly resembles that of Haider. Furthermore, Hungary's far-right party is cause for concern.

Radical right-wing ideologies have gained renewed vigor in recent years—less because their spokesmen have changed tactics or strategies, and more because they are finding increasingly receptive audiences in the larger society for their ideologies of narrowly-defined nationalism and xenophobia. In addition, anti-Semitic and hate ideologies are slowly making their way into the larger mainstream press and the political and civic discourse. The recent libel suit of David Irving against Emory University professor Deborah Lipstadt in England opened a mainstream window on Holocaust denial. Irving has taken Lipstadt to court for defaming his "academic work," and she has had to bring voluminous proof to a London courtroom that, for instance, Jews were in fact gassed at Auschwitz. The verdict in the trial is expected in mid-April, but the case itself has at least temporarily brought talk of Holocaust denial into new circles of quasi-respectability.

German political scientist Gideon Botsch caused a stir in Germany in early 2000 when he claimed to observe a shift in anti-Semitic expression to the pages of respected newspapers. His study cited examples of newspapers across the political spectrum that publish articles with anti-Semitic undertones. This development might help explain the extremely negative way that some German papers reported on the Jewish Claims Conference, of which the American Jewish Committee is a founding member, during the recent negotiations over compensation for slave and forced labor. Numerous stories depicted the Claims Conference itself and the mostly Jewish lawyers as greedy and self-serving, and a bizarre discussion ensued in mainstream newspapers about whether there are as many Jewish survivors as cited by the Claims Conference.

Indeed, there is reason to believe that recent negotiations about long ignored and only belatedly addressed claims left over from the Holocaust period (Swiss bank accounts, forced and slave labor, stolen art, etc.) have increased anti-Semitism among the general public, a disturbing kind of blame-the-victim response. Surveys of European attitudes conducted by the American Jewish Committee over the last decade point to the same worrisome trends. When asked for their reaction to the statement:

“Jews are exploiting the memory of the Nazi extermination of the Jews for their own purposes,” 16 to 39 percent of citizens of European countries said they agreed, as can be seen in this chart [Appendix C].

(3) *National identity models*

There has been a revival of the concept of national identity over the last decade. In many European countries, unlike the United States and other modern nations founded by immigrants, citizenship traditionally has been associated with a national ethnicity or a particular religion. The most brutal periods of anti-Semitism in European history have always coincided with the strengthening of such narrow concepts of national identity, and anti-Semites have capitalized on the notion of the Jew as outsider. Racism in Europe is generally founded on the same concept.

There are several explanations for the recent emphasis on national identity and religion. For one, there is a backlash in some quarters against globalization and the creation of a unified European identity. We saw this in France with the anti-McDonalds campaign and its anti-American undertones. For another, European nations are affected and influenced by the worldwide intensification of identity politics.

National identity is perhaps best exemplified by the language used in various countries. Quite reflexively and unselfconsciously, for example, people in Warsaw will speak of “Poles and Jews” when they really are referring to people who hold common citizenship and origins in Poland.

This uncomfortable level of rhetoric about national identity explains the far-right’s focus on immigration. While concerns about the extent and nature of immigration certainly have a basis in reality and merit serious national discussion, too often the far-right has seized upon the immigration issue, exaggerated and thereby fanned existing fears, and claimed the issue as its own. The 13th German Shell Youth Study, which has just been released, claims that more than two-thirds of the youth in the former East Germany, and 60 percent of youth in the west, say that there are too many foreigners in Germany today, though the total number of foreigners is less than 10 percent of the German population. The authors’ claim that this xenophobia reflects the fear of unemployment and not right-wing extremism, hardly seems to justify these numbers. Le Pen, Blocher, Csurka, and others have made anti-immigration central to the platforms of their extremist parties. As mentioned above, Haider’s success can in part be attributed to a backlash against Austria’s generous policy of accepting refugees during the Bosnian crisis.

But today, more than ever before, pluralism is less an option for societies and more a necessity. Globalization, changing patterns of world migration, and the dissolution of borders to communication make it likely that we will see *more* and not *fewer* international influences penetrating societies that could, in the past, simply close their doors. European governments must regulate immigration and asylum policies so as to maintain stability. But they will also have to reconcile themselves to a degree of movement and change. No country will ever be populated only by natives—indeed, few countries ever have—and attempts to make countries pure in nationality have ended in bloodshed and terror. If the far-right gains control of this issue, then it will turn a growing pain into a permanent source of unhappiness, fear, and violence.

Mr. Chairman, I wish to call to the Committee’s attention an immediate problem related to the focus on national identity in Greece. The Greek government is about to issue new identity cards to be used inside of Greece and for travel throughout the 15-member European Union. According to a new law, these cards will carry a line for the individual’s religious identity. The policy is especially traumatic for the small Jewish community. Less than 60 years ago, 96 percent of Greek Jewry was exterminated by the Nazis, and the notion of a central government file of all Jews, even in democratic Greece, causes profound anxiety, not to speak of the fear of violence. “Imagine,” one Greek Jewish leader told us, “that in this crazy world with its share of anti-Semites, I must show a document everywhere I go that indicates my private religious faith.” Greece is the only European Union country to include religion on a national identity card. Government officials, many of whom have told us they oppose this policy, indicate that it is a concession to the powerful Greek Orthodox Church, which sees a close link between Greek nationality and the church. In this regard, we note with appreciation the mention that this matter was given in the U.S. State Department’s 1999 Country Reports on Human Rights Practices and ask this esteemed Committee to make its strong disapproval of the new policy clear.

(4) *Extreme left-wing, extra-parliamentary groups*

Two and three decades ago, we saw the strongest expressions of anti-Semitism in Europe coming from another direction—the extreme left. Often cloaked in sympathy

for the Palestinian cause and anti-Zionism, extremist left-wing groups such as the Italian Red Brigades and the German Baader-Meinhoff gang collaborated with terrorist groups in acts of violence against Jewish targets. Working in Europe in the late 1970's with the flow of Jewish refugees from the Soviet Union and Eastern Europe, I was personally aware of the very real dangers posed by this nexus. More recently, this threat seems to have been reduced.

Today, however, there is some evidence of a nascent Brown-Red alliance of fascists and communists. Although more prevalent in the former Soviet Union than in Europe generally, the blurring of lines between left and right can be seen in manifestations such as the Parti Communautaire National-Europeen (PCN) in Switzerland. This group, formerly known as the "Third Way," is active mainly in French-speaking parts of Europe and seeks to unite all "enemies of the system" from the right and left. Similarly, the small Union des Cercles Resistance in France strives to bring together "revolutionaries" from the left and right in opposition to the United States, Israel, and capitalism. Chants of the 700 neo-Nazis who marched through Berlin's historic Brandenburg Gate on January 30, 2000, to mark the 67th anniversary of Hitler's taking office in 1933 and to protest the building of a major Berlin Holocaust memorial also sounded tones from the left and right: "Jobs instead of Jewish agitation" was shouted along with "Honor and fame for the Waffen-SS." Finally, with its interest in unknown forces, the New Age movement has recently provided particularly fertile soil for theories of hate that combine traditional elements from the right and left, including Jewish-conspiracy theories. While outlawed in Germany, books about the so-called "Illuminati"—a concept equivalent to the Jewish "elders"—are often sold at New Age conventions, and are best-sellers in many popular European vacation spots.

National action

A great number of people and governments are genuinely concerned about anti-Semitic trends in Europe and actively monitor and combat them. The German government deserves special mention here. It has been steadfast in its efforts to educate the German population about the history of the war—both in the schools and through commemorative and educational public programs. Widespread desire to create a more tolerant society has manifested itself in political, legal, and intellectual discussion and policy. Obviously, as statistics of anti-Semitic and hate-based crime show, German goodwill has not solved the problem completely, but it has managed, to a large degree, to isolate far-right parties and groups.

Nevertheless, the just released annual survey conducted by the German Federal Agency for the Protection of the Constitution reports that while the number of neo-Nazis and right-wing extremists may be on the decline—from 54,000 to 51,000 between 1998 and 1999—the propensity among neo-Nazis for violence is estimated to have risen by 10 percent in the same period.

Sweden should also be mentioned in this context. After launching a massive national Holocaust education program, Prime Minister Goran Persson proceeded to organize the largest gathering of high-level political officials ever this January—including over a dozen presidents and prime ministers—to discuss the importance of education about the history and lessons of the Holocaust. Our country's delegation to the Stockholm International Forum on the Holocaust was led by Deputy Secretary of the Treasury Stuart Eizenstat, whose efforts on behalf of Holocaust survivors and the restitution of looted Holocaust-era assets have been indefatigable, inspiring, and decisive. Our only regret is that this historic gathering inexplicably received virtually no media coverage in the United States.

While there are no surefire methods of eliminating anti-Semitism, history has taught us that there are ways to contain and marginalize it and, conversely, there are responses that only encourage the entry of anti-Semitism into the mainstream. The massive French demonstration led by then-President Mitterrand in reaction to a particularly vile cemetery desecration in Carpentras in 1990 was an example of leadership, turning a terrible event into an important and positive direction for the future. Likewise, the peaceful candlelight marches that brought together hundreds of thousands of concerned Germans in the wake of attacks on foreigners in Germany have helped marginalize the perpetrators of hate crimes. Likewise, the peaceful—and large—demonstrations against Jorg Haider today in Austria reveal a vocal and determined community of conscience prepared to say no to Haider's narrow vision for Austria.

On the other hand, the deafening silence of Polish president Lech Walesa in 1995, when Father Jankowski, Walesa's parish priest in Gdansk, delivered a vituperative anti-Semitic speech in the presence of the president, is a case study in how not to respond. Similarly, some years ago, following the terrorist bombing of a Jewish restaurant in Paris, the French prime minister, while condemning the attack, re-

marked that “some Frenchmen” had also died, somehow implying that the French Jews who perished were not “Frenchmen” as well. While this reaction may have been well-intentioned, its results underscored the notion that Jews are “other” than French.

In 1998, the American Jewish Committee opened an office in Berlin that is monitoring political and social trends there and elsewhere in Europe. We are working closely with the German government, independent foundations, and nonprofit organizations to help strengthen tolerance and civil society, especially in Central and Eastern Europe. The U.S. Ambassador to Germany, John Kornblum, has been exceedingly helpful in the work of the Berlin Office and has met frequently with delegations of American Jewish Committee leaders, as have Ambassadors and their staffs in American embassies throughout Europe. Each time we visit an embassy, we are proud and impressed by the caliber of our nation’s representatives abroad. In addition, the friendship and outstanding work of J.D. Bindenagel, the U.S. Special Envoy for Holocaust Assets, deserves special mention.

Multinational action

The United Nations and the 41-member Council of Europe have helped set the legal norms prohibiting racial discrimination and religious intolerance, but have done very little, by comparison, to report on or take measures to help eradicate anti-Semitism. Strong U.S. engagement is essential to ensure that anti-Semitism is addressed in multilateral arenas in Europe and beyond. Multilateral institutions, as a rule, have not adequately addressed the issue of anti-Semitism, and in the few forums where the subject has come up, they have failed to follow words with action.

The 25-year-old Organization for Security and Cooperation in Europe, of which the United States is one of 53 members, has affirmed its concern about anti-Semitism at political meetings, but has never followed up outside them. The United Nations, founded in the aftermath of the Holocaust, has a rockier record. A 1960 Commission on Human Rights resolution on anti-Semitism was the last mention of this issue for 34 years. Worse, the “Zionism is racism” resolution passed by the General Assembly in 1975, rightly described by U.N. Secretary General Kofi Annan as “the low point” in the world body’s actions with respect to Jews and Israel, was itself a source of anti-Semitic statements in the world body; in 1991, the resolution was rescinded as a result of a U.S. initiative. Beginning in 1994, other U.S. initiatives brought a series of resolutions calling for the monitoring of anti-Semitic incidents by the Special Rapporteur on Racial Discrimination. The United Nations is currently gearing up for a World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. We hope anti-Semitism will be a focus of the action plan of the World Conference. Without U.S. backing, it will not.

Leaders of the United Nations have been more outspoken on the issue of anti-Semitism than State representatives on its political bodies have been. Secretary General Annan called upon the United Nations to use the 50th anniversary of the Universal Declaration of Human Rights to “eradicate anti-Semitism in all of its forms” and High Commissioner for Human Rights Mary Robinson opened the current session of the UN Commission for Human Rights in Geneva this March by including anti-Semitism in a list of “pressing human rights issues which need practical attention.”

The Council of Europe, in which the United States has observer status, adopted resolutions in the 1990’s recognizing the importance of combating anti-Semitism in Europe. Just last week, under the leadership of its Secretary General, Walter Schwimmer, and with the assistance of the American Jewish Committee, the European Jewish Congress, and the European Union of Jewish Students, a Declaration on Anti-Semitism was adopted at a consultation in Strasbourg, recommending specific action and legislation on the part of European governments [Appendix D]. We hope to see these crucial points included in the October 2000 European Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and, eventually, the World Conference Against Racism. Again, this will only happen if the United States is actively involved.

- The American Jewish Committee urges the government of the United States to ensure that the Council of Europe incorporates the concerns outlined in the Declaration on Anti-Semitism in the conclusions adopted at the European Conference Against Racism, and subsequently at the World Conference Against Racism, and to encourage other governments to implement the declaration continent-wide. The European Conference should also propose specific practices to be used by governments to prevent anti-Semitism and racial discrimination and to educate more—and more effectively—about the values that bind our societies one to the other. It should lead to the inclusion of the subject of anti-Semitism in the World Conference Against Racism.

- The American Jewish Committee strongly recommends that the United States not only attend the upcoming preparatory meeting of the technical working group of the European Conference Against Racism in a few weeks' time, but that it actively press for the inclusion of combating anti-Semitism as part of the European plan of action. As indicated above, only the United States has the capacity to catalyze the continent to focus on the remnants of a grim chapter in its own history.
- We recommend that the United States begin to take a more active role in ensuring that the United Nations and other multilateral organizations face the important challenge of reducing anti-Semitism per se.

(5) *Church-based anti-Semitism*

Historically, hatred of Jews, pogroms, and physical attacks against Jewish communities often resulted from the stereotypic portrayal of Jews as "Christ killers." On this front there is positive news to share today. The Catholic Church, beginning in 1965 at the Second Vatican Council, and many Protestant churches have taken truly historic steps over the last half century to end the teaching of contempt for Jews and Judaism, and to otherwise distance themselves from the lamentable historical record of church-inspired and -sanctioned violence aimed at Jews.

Pope John Paul II, who has repeatedly called anti-Semitism "a sin against God and humanity," has made landmark contributions to the relationship between Jews and Catholics throughout his 22-year papacy by recognizing the State of Israel, condemning anti-Semitism, and promoting Catholic-Jewish understanding. His recent visit to Israel significantly enhanced the international attention given his life's work in this area. Several national Catholic Bishops' conferences, including those in France, Germany, and Poland, have also gone to great lengths to strongly condemn anti-Semitism. The Lutheran Church, both in this country and in Europe, has also taken important steps to apologize for the acts of anti-Semitism, based on the teachings of Martin Luther, committed in its name.

We at the American Jewish Committee and others are deeply engaged in working toward a new and better chapter in Christian-Jewish relations in Europe, the United States, and around the world.

(6) *Arab and Islamic extremist groups operating in Europe*

In the 1970's and 1980's, many Palestinian terrorist groups actively sought out Jewish targets in Europe, the most memorable and tragic incident being the murder of Israeli athletes at the 1972 Summer Olympic Games in Munich. In other acts of terrorism, Palestinian extremist groups cooperated with radical left-wing European groups and with communist governments, from which they received logistical and financial support, weapons training, safe havens, and political and diplomatic cover. Below are just a few of the dramatic terrorist incidents during this period aimed at Jewish targets in Europe:

- On June 27, 1976, an Air France jet was hijacked to Entebbe, Uganda, after taking off from Athens airport. Seven members of the Popular Front for the Liberation of Palestine, led by a West German associate, demanded the release of 53 terrorists in Israel, Switzerland, West Germany, France, and Kenya in exchange for the 257 hostages.

- On October 3, 1980, in Paris, four people were killed after a 25-pound device exploded under a car outside of the Rue Copernic synagogue in Paris. A moped used in the attack was later traced to a Palestinian who had entered the country under false pretenses.

- On December 27, 1985, in Rome and Vienna, the Abu Nidal organization claimed responsibility for two simultaneously coordinated attacks carried out at El Al Airlines counters in airports of the two cities. A total of 17 people were killed and 116 were wounded in the attacks.

While this cooperation has largely disappeared today with the collapse of the Warsaw Pact, a significant number of Islamic extremist organizations have found safe haven in Western Europe since the late 1980's, where they take advantage of free speech, freedom of movement, and freedom of assembly to produce Islamic extremist materials distributed throughout Europe and the Muslim world. Such material promotes public rallies and fund-raising activities for the cause of *jihād*, which is interpreted in its military sense as meaning "holy war," including terrorist attacks against Israel and Israeli targets abroad. It is common for such publications to identify Israel and its supporters as forces of evil implanted in the heart of the Muslim world by the United States.

Last month, the London-based Community Security Trust reported that a growing percentage of the anti-Semitic acts carried out in Britain have been initiated by Islamic extremist groups. Anti-Semitic activities throughout Western Europe, ranging from non-violent to extremely violent, have mirrored this trend. We have also re-

cently received disturbing reports from our colleagues in Western Europe that a number of Jewish institutions, including schools and synagogues, have come under surveillance by individuals using camera and video equipment. There is evidence to indicate that Islamic extremists are carrying out at least some of this surveillance activity.

II. ANTI-SEMITISM IN THE MIDDLE EAST

The phenomenon of Islamic extremist anti-Semitism in Europe is closely linked to anti-Semitism in the Middle East.

While anti-Semitism in Europe must be carefully watched and monitored, the situation in the Middle East is far worse, and politically more dangerous, since it poisons the atmosphere surrounding the Israeli-Arab peace process. Strikingly, while Western nations, especially Germany and also, notably, Sweden, are engaged in dialog and programs aimed at preserving the memory of the Holocaust, mainstream Arab media are extolling Holocaust denial. While world leaders have repeatedly declared that anti-Semitism is a form of racist action that must be condemned, Arab media, educators, and religious leaders are openly preaching it, and too many political figures are offering it official sanction.

As Israeli and Palestinian negotiators move ahead, however haltingly at times, toward a much-awaited permanent peace settlement, there has been a shocking—and quite frightening—revival of vitriolic anti-Semitism across the Arab world. It is ever present in countries already formally at peace with Israel, and in others that have opened ties to the Jewish State following the significant peace process breakthroughs over the past decade.

This extraordinary paradox of building peace while actively demonizing the Jewish people is obviously shocking, and requires, we believe, the urgent attention of the Congress. Over the long term, this trend may well undermine efforts to nurture the climate of peace in the region that is essential to assuring the durability of any comprehensive agreement.

Among the latest public statements by Arab leaders denying the facts of the Holocaust were those of the Palestinian Authority-appointed Mufti of Jerusalem, Ikrema Sabri, prior to and during the remarkable visit of Pope John Paul II to Israel. “It’s true, the number was less than six million and Israel is using this issue to get sympathy worldwide,” he said on the Saturday before meeting the Pope. The Mufti’s comments—reminiscent of his wartime predecessor who actually allied himself with Hitler—indicate a deeper and more sinister current espoused by Arab political and spiritual leaders that is reflected on the pages of official newspapers and in school textbooks.

The editor-in-chief of the official Syrian newspaper *Tishreen* recently asserted in his column and on Syrian radio that “Zionists created the Holocaust myth to blackmail and terrorize the world’s intellectuals and politicians.” Coming amid efforts to jump-start the stalled Israeli-Syrian peace talks, the editor’s views gained widespread attention and condemnation from U.S. and Israeli quarters, and moved many otherwise supportive Israelis to doubt Syria’s reputed strategic decision to reconcile with Israel after an agreement on the disputed Golan. Sadly, though, the *Tishreen* outrage is more the rule than the exception.

From Egypt to Jordan, to the Gulf nations of Qatar and the United Arab Emirates, to the Palestinian Authority, Holocaust denial language has become commonplace in the print and electronic media. The Arab press has repeatedly made the incredible accusation that Israel is spreading poison and disease in Palestinian areas and as far away as the Arab nations of the Gulf. In recent weeks, Arab papers have stepped up their attacks on Israel—and on the Jewish people—by labeling, in vile words and in gross caricatures, Israel’s prime minister and foreign minister as Nazis. Offensive editorials and columns similar to the *Tishreen* editorial can be found in *Al-Ahram*, *Al-Akhbar* and *Al-Gumhuriya*, three of the mainstream daily newspapers in Egypt, which signed a peace treaty with Israel 21 years ago. One cartoon run on February 29, 2000, portrayed a caricatured David Levy, foreign minister of Israel, painting a swastika onto a building with the caption “Levy’s Diplomacy” [Appendix E].

Egypt’s leading position in the Arab world gives it enormous influence. Propagating Holocaust denial and slandering Jews can only inhibit relations between the Egyptian people and Israel, and sets a negative example for other Arab countries. Just last week, while President Mubarak was visiting the United States, several Israeli diplomats were invited to a conference at the University of Cairo, but denied entry when they arrived on campus.

In addition to treading on the painfully fresh memory of the Holocaust, that most sensitive of Jewish—and Israeli—issues, the Arab media also engages in other offensive and destructive anti-Semitic rhetoric.

In Qatar, for example, one of two forward-looking Gulf countries to open commercial ties with Israel (the other is Oman), Israel has been accused in the official newspaper of using women to undermine moral values and spread disease in the country—a new accusation suggesting the infamous blood libel against the Jews. “Whether these women are from Israel or from Russia, they have one thing in common: the transmitting of disease and evil in order to cause the collapse of our economy,” states *Al-Sharq*. “This is the beginning of Zionist activity in the Gulf region . . . for the purpose of totally destroying our leaders.”

The Qatari paper goes on to quote, as source material, the notorious anti-Semitic forgery *The Protocols of the Elders of Zion*, a volume widely available in the Arab world and often cited by papers in other Arab countries. A cartoon that appeared in February in *Al-Watan*, a Qatari newspaper owned by the cousin of the Emir, depicts Israeli Prime Minister Barak as a Nazi bombing Lebanon [Appendix F].

In Syria, public school textbooks are filled with vehement hostility toward Israel and the Jewish people. A new study of Syrian textbooks for grades 4 to 11, published by the Washington, D.C.-based Middle East Media Research Institute, reveals state-sponsored curricula replete with anti-Semitism, Holocaust denial, demonization of Israel—and, most appallingly, an open call to exterminate Jews from the earth.

In the Palestinian Authority (PA), which is obligated through signed agreements with Israel to work against incitement, official news organs do not hesitate to join in this bashing of Israel and Jews. *Al-Hayat Al-Jedidah*, an official PA daily with the widest circulation, published a cartoon at the end of last year [Appendix G] depicting a short, grotesque figure labeled with a Star of David as “the disease of the century,” situated between an old man, who represents the twentieth century, and a young man, denoting the twenty-first.

According to recent press reports, Hitler’s *Mein Kampf*, which is officially permitted for publication and distribution within the Palestinian Authority, is No. 6 on the best-seller list in PA-controlled areas [Appendix H].

Across the Jordan River, many educated and influential citizens of Jordan, members of the kingdom’s professional associations, remain adamantly opposed to any interaction with Israelis despite the Hashemite Kingdom’s historic peace with Israel. In one recent, egregious example, the Jordanian Journalists’ Association expelled one member, and compelled three others to sign an apology, for committing the “crime” of visiting Israel—fully 5 years after Israel and Jordan achieved peace.

As the noted Johns Hopkins University scholar Fouad Ajami has observed in his study *The Dream Palace of the Arabs*, “the custodians of political power” in the Arab world determined some time ago that “diplomatic accommodation would be the order of the day, but the intellectual class was given a green light to agitate against the peace.”

When we raised our ongoing concerns about anti-Semitism in the Arab media during an American Jewish Committee mission last month to Oman, Qatar, the United Arab Emirates, Jordan and the Palestinian Authority, our interlocutors characterized this poison as “the price of a free press.” I must note, however, that one would be hard-pressed to find examples of this sort of condemnation and criticism leveled against the regimes these news organs serve, or any other neighboring regime.

At the same time, when pressed to enhance their relations with Israel, government officials pleaded for patience because, after all, while the government is more than willing to deepen ties with the Jewish state, public opinion is not yet ready.

There is no acknowledgment of any linkage between a people’s perception of Israel and the daily venom fed them through the Arab media and school curriculum—all sanctioned by the respective Arab governments.

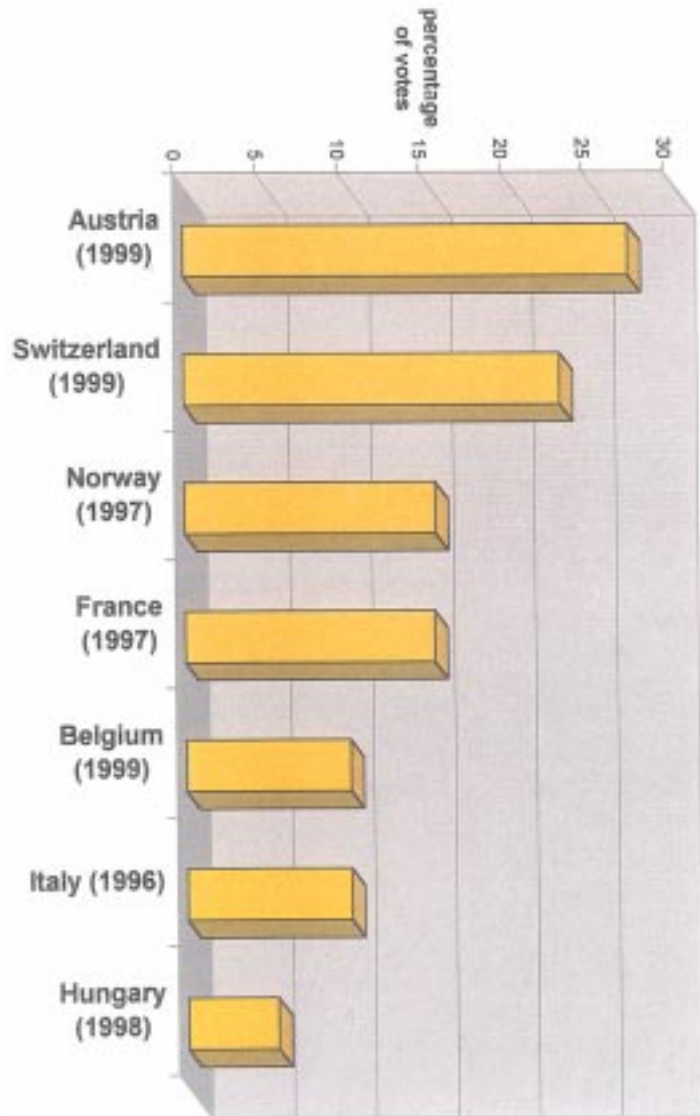
Though the outcome of negotiations may be relations as chilly as those with Egypt, Israel is prepared to take calculated risks to achieve peace because it remains a far better alternative than permanent belligerency. But the antagonistic posture of the Arab media, schools, religious leaders, and intellectuals hardly contributes to creating the necessary climate and culture of peace that is so desperately needed to turn the region from conflict to cooperation.

Middle East Action

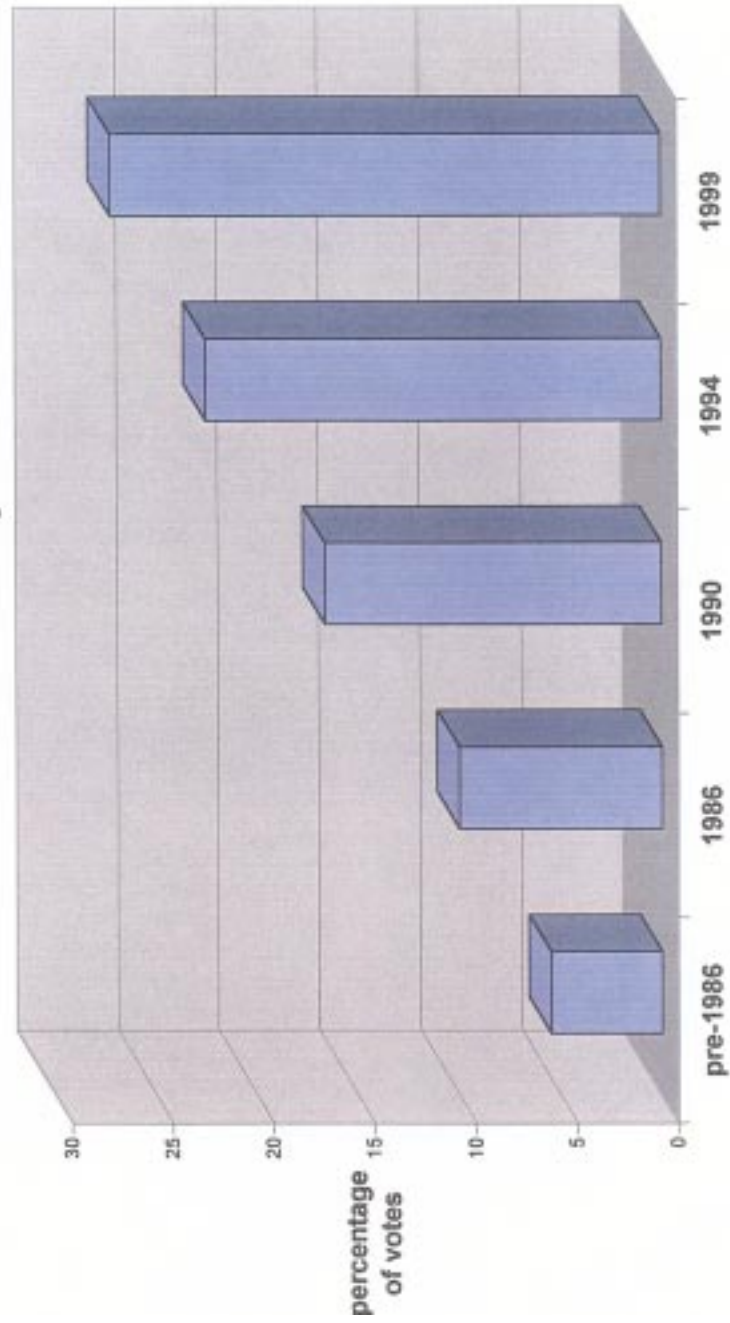
Islamic anti-Semitic activity in the Middle East deserves heightened attention from the United States. It is an inconvenient truth that can no longer be ignored or downplayed or viewed as little more than an Arab negotiating tactic in the complex Arab-Israeli peace talks. There is, in short, an urgent need to reject this behavior unconditionally.

The United States is in an unprecedented position to make a difference in the Middle East—not in all the countries of the region, perhaps, but certainly many. Our government should condemn hateful rhetoric in the clearest of terms. To some degree, at least, the fate of the region depends on it.

Appendix A: Election results for far-right parties in Europe



**Appendix B-1: Election results for Austria's
Freedom Party**



APPENDIX B-2: QUOTES FROM JORG HAIDER AND FREEDOM PARTY ASSOCIATES

Haider: What I said was that it was the soldiers of the Wehrmacht who brought democracy to Europe, as it is today. Had they not put up resistance, had they not been posted to the East, had they not led the conflict, then we would have . . .

Profil: What do you mean, "put up resistance?" Wasn't it a campaign of conquest led by the German Wehrmacht?

Haider: If that's what you think, then we must start asking ourselves today what really happened.

Source: Interview with Profil magazine, August 21, 1995

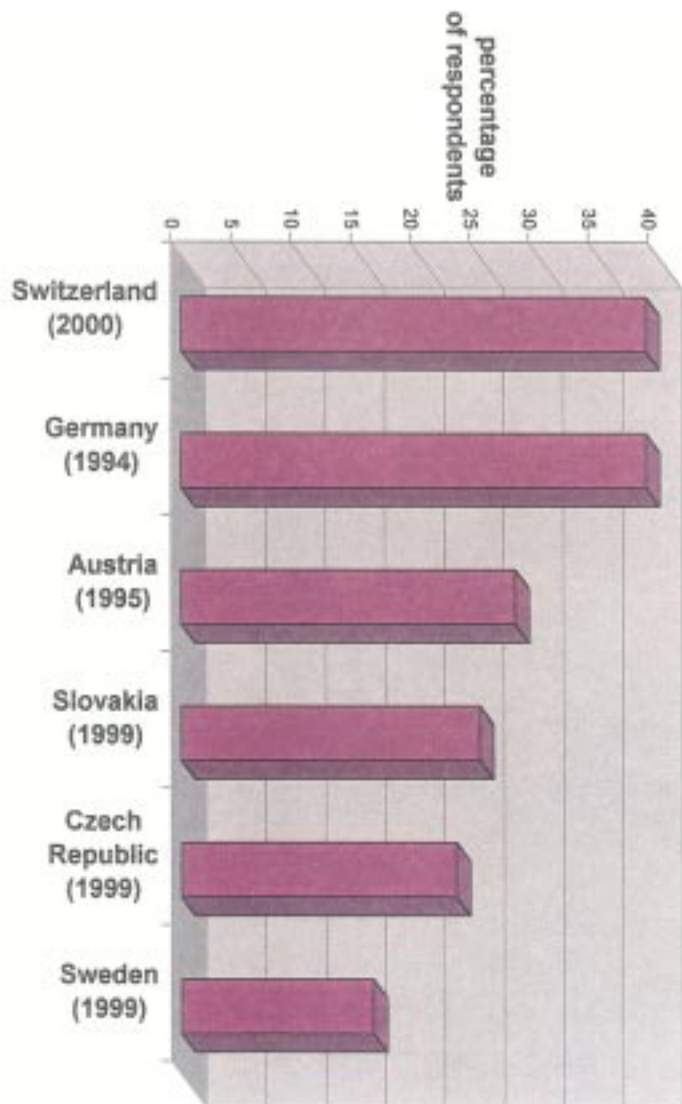
"[What] you fought for and risked your lives for, [was] to give the younger generations and young people a future within a community in which order, justice, and decency are still considered to be principles. . . . There is simply no other reason [to oppose reunions of Waffen-SS veterans], other than it makes some people mad that in this world there are still some people who have character and who stand up for their beliefs, even in the face of strong opposition, and who have remained true to their convictions right up to this day. . . . Decency will certainly prevail in our world, even if we are currently perhaps not capable of obtaining a majority, but we are mentally superior to the others and that is something very decisive."

Source: Haider's address to former Waffen-SS soldiers at their reunion in Carinthia, 1995.

"Mass gassings by means of cyclone-B cannot have occurred in such a manner. The long list of supposed German war crimes is constantly becoming shorter. Almost none of them can withstand scientific-technical scrutiny. On the other hand, the actual war crimes of the victorious powers are indisputable."

Source: Excerpt from Zur Zeit magazine, edited by Haider associate Andreas Molzer, June 4, 1999.

Appendix C: Europeans who, according to American Jewish Committee surveys, agree with the statement: "Jews are exploiting the memory of the Nazi extermination for their own purposes."



APPENDIX D: ANTI-SEMITISM IN EUROPE TODAY—A DECLARATION OF CONCERN
AND INTENT

The participants in the Strasbourg “Consultation on Anti-Semitism in Europe Today”, convened by the Secretary General of the Council of Europe, with the co-operation of the American Jewish Committee, the European Jewish Congress and the European Union of Jewish Students, at the Council of Europe headquarters on 27 March 2000,

Solemnly recalling the persecution, extermination and genocide of Jews in the Holocaust, as well as of Roma and other minorities during and before World War II

Recalling that the Council of Europe was precisely founded on these premises in order to defend and promote common values

Stressing therefore the Council of Europe’s longstanding responsibility to combat racism, anti-Semitism, xenophobia and intolerance

Considering thereby the key role of the Council of Europe in promoting human rights and respect for others and in strengthening pluralism and democracy throughout Europe, thus contributing to a freer, more tolerant and just European society

Believing that the equal dignity of all human beings forms the basis of any democratic society

Stressing the fundamental role of young people in the building of any free and tolerant society

Recognising that anti-Semitism and other ingrained prejudices have a destructive effect on democracy

Emphasising that combating racism, anti-Semitism, xenophobia and all forms of intolerance forms an integral part of the promotion and protection of human rights and that all human beings are entitled to these rights on the basis of equality

Profoundly convinced that combating anti-Semitism is integral and intrinsic to opposing all forms of racism

Welcoming the Council of Europe’s co-ordination of the European contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Underlining in this context the importance of the work of its European Commission against Racism and Intolerance (ECRI)

Bearing in mind the Final Declaration and Plan of Action adopted by the Heads of State and Government of the member states of the Council of Europe at their Second Summit (Strasbourg, October 1997), calling for a reinforcement of the action of ECRI

Taking also into account the international conventions and texts adopted by the United Nations in the fields of racism, racial discrimination, xenophobia and related intolerance

Highlighting the vital role of non-governmental organisations, specialised bodies and relevant institutions in combating at both national and international level, racism, anti-Semitism, xenophobia and all forms of intolerance

Noting with distress that Jews still suffer from persisting prejudices and are victims of a deeply rooted anti-Semitism in most Council of Europe member and other states

Distressed by the recent desecration of many Jewish cemeteries, synagogues, and Jewish communal buildings and other property in several Council of Europe member and other states,

Condemning the continuance of threats against the Jewish population and institutions in several Council of Europe member and other states

Gravely alarmed by the development throughout Europe of extremist groups threatening individuals and propagating anti-Semitic and racist views and materials, increasingly through use of the Internet

Disturbed by the growing support in some countries for these extremist groups and the dangerous indifference of the majority toward these developments

Deeply troubled by the electoral success of far right parties and, in some cases, their presence and participation in coalition governments

Noting with concern the resurgence of anti-Semitic feelings in countries where a debate on looted Holocaust assets is taking place

Deeply alarmed by the continued activities of proponents of Holocaust denial and Holocaust relativism

Stressing Europe’s responsibility to remember the past, to stay vigilant and actively to combat all manifestations of racism, xenophobia, anti-Semitism and intolerance

Profoundly convinced of the necessity of more effective measures to address the issue of anti-Semitism in Europe today in order to counter these phenomena and increase awareness about them

Aware of the importance of contributing on the issue of anti-Semitism to both the European Conference and World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

URGE GOVERNMENTS—LOCAL, REGIONAL, AND NATIONAL

- to give concrete follow up to the legal texts and recommendations for combating racism, anti-Semitism, xenophobia and intolerance adopted by the Council of Europe, especially ECRI's recommendations
- to ensure that appropriate anti-discrimination legislation exists at a national level and is adequately implemented to ensure that action is taken against individuals and institutions responsible for the denigration of, discrimination and criminal acts against Jews
- to ensure that society clearly and publicly condemns all forms of anti-Semitism
- to require all public authorities to act in a non-discriminatory manner and to promote specific training schemes for civil servants to that end
- to identify, condemn and isolate all political figures who manipulate anti-Semitism and other ingrained prejudices for political purposes
- to ensure that government officials clearly speak out to publicly disavow those who implicitly or explicitly use anti-Semitic prejudices for political purposes
- to recognize the responsibility of public officials to publicly disavow hate speech and other forms of expression which spread, incite, promote or justify acts of anti-Semitism
- to promote research on national contemporary Jewish history in particular in countries where such research is not conducted
- to promote Holocaust remembrance, notably through education and the organization of cultural or media events, including national days of Holocaust remembrance
- to promote at an early age formal and informal education for tolerance and human rights and thereby, against anti-Semitism
- to target and include within legal texts reference to young people, whilst raising their awareness of their rights and responsibilities in the fight against anti-Semitism in democratic societies
- to include the subject of anti-Semitism in teacher-training and all teaching materials, notably history books
- to encourage media to address anti-Semitism and subjects relating to contemporary Jewish issues objectively and sensitively and, where necessary and appropriate, to introduce systems of complaints and appeals to refute erroneous comments in this respect

Call upon all Council of Europe member states and all participants to the European Conference "All different, all equal: from principle to practice" (Strasbourg, October 2000) to take full account of these concerns with a view to

- (a) addressing them locally, nationally and at the European level
- (b) taking them into consideration to the largest possible extent in the European Conference General Conclusions to be forwarded to the Preparatory Committee of the World Conference to be organised in 2001.

* * * * *

THE STRASBOURG PLAN OF ACTION

The participants in the Strasbourg Consultation undertake the following commitments:

(1) The Secretary General of The Council of Europe will submit the above-stated concerns and recommendations to the organizers, officers, rapporteurs, introductory speakers, governmental representatives, and secretariat staff planning and participating in the preparatory meetings and working groups of the European Conference Against Racism, entitled "All different, all equal: from principle to practice" (Strasbourg, October 2000) for inclusion in the planning process. The Secretary-General will, in addition, present the conclusions of these consultations to the participants at a high level introductory segment of the European Conference in October 2000, as well as to the participants in the First Preparatory Conference of the World Conference against Racism in Geneva, May 1–5.

(2) The participants in this March 27th Consultation in Strasbourg, including the European Jewish Congress, the American Jewish Committee and the European Union of Jewish Students, will form a Task Force against Anti-Semitism. This Task

Force will serve as the liaison to the Technical Working Group of the European Conference. In this capacity it will insure that the concerns of the Jewish community are represented in the planning processes, provide timely information about the European Conference to Jewish community organizations and NGO's in Council of Europe Member and Observer countries, and identify ways in which representatives of the Jewish community can participate in the conference itself.

(3) The organizational participants in the March 27th Consultation in Strasbourg, with the assistance and co-operation of the Secretary General of the Council of Europe, will consider additional ways to identify and publicly address the problems of contemporary anti-Semitism in Europe today and possible remedies and good practices. This could include informing the Parliamentary Assembly of the Council of Europe of this Declaration and of its recommendation to take action in this field, organizing public seminars on the subject, participating in other regional and global planning bodies for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and other steps.

CONSULTATION ON ANTI-SEMITISM IN EUROPE TODAY

LIST OF PARTICIPANTS

Ms. Laure AMOYEL, European Union of Jewish Students, Brussels
 Rabbi Andrew BAKER, Director of European Affairs, American Jewish Committee, Washington, DC
 Mr. Rolf BLOCH, Vice President, European Jewish Congress, President of the Swiss Jewish Community
 Mr. Andras CSILLAG, Hungarian Jewish Community
 Mr. Serge CWAJGENBAUM, EJC Secretary General (France)
 Mrs. Joelle FISS, Chairperson, European Union of Jewish Students, Brussels
 Mr. Michel FRIEDMAN, EJC Vice-President, Vice-President of the German Jewish Community
 Mrs. Felice GAER, Director, Jacob Blaustein Institute for the Advancement of Human Rights, New York NY
 Mr. Konstanty GEBERT, Introductory Speaker at the European Conference
 Mrs. Myriam GLIKERMAN, assistant to EJC Secretary General
 Mr. Henri HAJDENBERG, EJC President, President of the French Jewish Community (CRIF)
 Mrs. June JACOBS, Chairperson of the EJC Commission on European Institutions (Great Britain)
 Mr. Amos LUZZATTO, President of the Italian Jewish Community
 Mr. Eric MOONMAN, Chairman of the EJC Commission on anti-Semitism (Great Britain)
 Mr. Ariel MUZICANT, President of the Austrian Jewish Community
 Mr. Gilbert ROOS, EJC Permanent Representative to the European institutions
 Mr. Szimon SZURMIEJ, President of the Polish Jewish Community
 Mr. Eldred TABACHNIK, EJC honorary President, President of the British Jewish Community
 Mr. Tomer TIDHAR, European Union of Jewish Students, Brussels
 Ambassador Hans WINKLER, Chair of the technical working group, European Conference against racism: *"All different all equal: from principle to practice"*:
 Mr. Gusztav ZOLTAL, Acting Director of the Hungarian Jewish Community

Secretariat of the Council of Europe

Dr. Walter SCHWIMMER, Secretary General
 Mr. Alexander BARTLING, Private Office of the Secretary General
 Mrs. Renate ZIKMUND, Private Office of the Secretary General
 Mr. Francis ROSENSTIEL, Director of Research, Planning and Publishing
 Mrs. Edith LEJARD-BOUTSAVATH, Administrator, Research, Planning and Publishing Directorate
 Mrs. Isabelle JAQUES, Secretary of the European Conference

Appendix E: Cartoon in an official Egyptian newspaper



[Caption on paint can:
Israeli Foreign Minister David] "Levy's Diplomacy"

Source: Egyptian newspaper, *Al-Gumhuriya*, February 29, 2000

Appendix F: Cartoon in a Qatari newspaper



Southern Lebanon

[written on tie:
Israeli Prime Minister] Barak

Source: Qatari newspaper owned by the cousin of the Emir, *Al-Watan*,
February 21, 2000

Appendix G: Cartoon from an official Palestinian Authority newspaper



Source: Palestinian Authority newspaper, *Al-Hayat Al-Jedida*, December 15, 1999

**Appendix H: 1995 Lebanese edition of
Mein Kampf, today a bestseller in
Palestinian Authority-controlled areas**



Senator SMITH. If it is all right with my colleagues, we will hear from all the witnesses then go to questions.

Mark Levin.

**STATEMENT OF MARK B. LEVIN, EXECUTIVE DIRECTOR, NCSJ:
ADVOCATES ON BEHALF OF JEWS IN RUSSIA, UKRAINE, THE
BALTIC STATES AND EURASIA**

Mr. LEVIN. Thank you, Mr. Chairman, for the opportunity to discuss the nature of and remedies for popular hate movements in the successor states of the former Soviet Union.

I have submitted a prepared statement which I will now summarize, and ask that it be included in the record of this hearing.

Senator SMITH. You bet, without objection.

Mr. LEVIN. Mr. Chairman, I also want to thank you for your dedication since coming to the Senate, as well as the rest of your colleagues.

I am sorry Senator Sarbanes just left, but Senator Sarbanes and I have known each other for over 20 years. And when there were tens of thousands of refuseniks and the numbers of people leaving the Soviet Union were in the hundreds, it was men and women like Senator Sarbanes and Senator Boxer, who was then in the House of Representatives, that led the effort to remind the Soviet Union that no matter how long it took, no matter what the effort was, we in the United States, particularly our elected officials, would not give up. And I think we have seen the fruits of that labor over the last decade.

Unfortunately, we also have seen some other not so nice issues take place, and that is what I want to address today.

I also want to thank you for giving me the opportunity to share with my daughter Lesley, who is in attendance today, an understanding of what I do. I think my parents had hoped that my generation and my siblings' generations would not confront the same types of issues that we are dealing with today.

And it is my hope that my daughter, and hopefully her children, will not have to deal with the issues that we are confronting right now.

Senator SMITH. Mark, can you have Lesley Levin stand up so we can—

Mr. LEVIN. I do not want to embarrass her, Mr. Chairman. She is somewhere in here. Lesley?

Senator BOXER. Has she left? Oh, there she is.

Mr. LEVIN. And, Mr. Chairman, I would be remiss if I did not recognize my sister Alyn Hadar, who works for Senator Boxer.

Senator SMITH. We are delighted to have all the Levin family here.

Senator WELLSTONE. I would say, Mr. Chairman, this is definitely a Jewish gathering.

Mr. LEVIN. Of course, Senator.

Today, the NCSJ continues its commitment to safeguard the religious and political freedoms of Jews living in the new independent states, the attempt to protect their rights to emigrate, monitor and combat anti-Semitism, and ensure that Jews have full access to Jewish education, culture, and heritage.

Those of us who struggled to free Soviet Jews during the last 30 years, whether in Congress or in the citizen movements, would never have imagined last month's Russian Presidential election, a democratic transition of power.

But we would have never imagined a post-Soviet landscape littered with neo-Nazi and fascist extremists visibly trying to revive the same ideology against which the Russian people battled so fiercely just six decades ago.

The United States has an instrumental track record in the spheres of international human rights, religious freedom, and minority protection. Just last month, Mr. Chairman, 96 of your colleagues joined you and Senator Biden in urging Russia's new acting President, Vladimir Putin, to take strong measures against anti-Semitism, eliciting an almost immediate Russian response, something that was unheard of before.

While the anti-Semitism that existed as official state policy during the Soviet era has not resurfaced, some prominent politicians have employed anti-Semitism to further their own political ambitions.

Once Chechnya is no longer center stage in Russia, the venom of Russian extremist minority threatens to focus again on Jews.

Extremism and virulently anti-Semitic movements such as the paramilitary Russian National Unity have national membership and exposure, and frequently use Nazi-type slogans and symbols.

My prepared statement includes a list of the primary individuals, organizations, and publications that routinely promote the worst anti-Semitic stereotypes and behavior.

Attacks against Jews and Jewish institutions escalated last summer. And the formal hate movements are now complemented by more mainstream attacks in the mass media which, tied to elections, have divided political contenders by accusing them of Jewish connections.

Mr. Chairman, you and your colleagues have before you a leaflet that appeared prior to the parliamentary elections in Russia in December 1999. And this leaflet was distributed nationwide it tried to taint Mayor Luzhkov of Moscow by association with one of the leading figures in the Russian Jewish community. I think you can see some of the most vile, hateful language that can be used.

To the credit of some authorities in Russia, they have tried to ensure that adequate police protection for Moscow synagogues during high Holy Day services were present. But a continuous security presence either in Moscow or elsewhere in Russia is still lacking.

As Prime Minister and acting President, Vladimir Putin, has been involved in efforts to control extremist groups. And most recently, 12 members of Russian National Unity were arrested on criminal charges.

The prevention, prosecution, and condemnation of anti-Semitic crimes and incitement, is only effective if employed in an ongoing and consistent manner, independent of elections and election hearings.

In Ukraine, the history of deep-seated societal anti-Semitism stretches back for centuries. From the legacy of World War II, and Stalinist persecutions, has taken its toll on Jews, as well as non-Jews.

Today, Ukraine's anti-Semitism is most visible through the publication of anti-Semitic materials which increased in volume during and lead up to national elections. Disappointingly, public condemnations have not been forthcoming from senior officials in any consistent matter.

Without speaking at length about other countries, I do want to note a recent court decision in Belarus where an anti-Semitic book showcasing passages from the protocols of the Elders of Zion, and other virulently anti-Semitic tracks, was judged to be scientific in nature. It is one more reminder of the distance to be traveled.

The best response to anti-Semitism and extremism is preemptive, and addressing the manifestations that are already flaring up and spreading. Let me highlight my key recommendations to the Committee.

Speaking out: It is imperative for leaders to denounce the statements which in too many cases inspire violence and undermine public confidence in the rule of law. When such plays proceed unchallenged, extremism crosses into the mainstream.

Prosecution: Governments must enforce laws already enacted to combat fascist propaganda and extremism. Anyone who propagates ethnic hatred, whether common citizen or government official, should be held accountable, and prosecuted to the fullest extent of the law.

Education: Public education campaigns and curricula against intolerance should accompany any legislative or judicial strategy, particularly in remote regions that lack the economic and educational resources of urban areas.

U.S. Engagement: U.S. officials must emphasize to their counterparts in the successor states the importance of continuing the transition for a democratic and pluralistic society, and of developing an appropriate infrastructure to permanently support economic development, law enforcement, and minority rights.

Beyond the confines of Capitol Hill, direct contacts with leaders and counterparts in the region are also instrumental in identifying those agents of progress and in impacting upon public and elite attitudes.

One example of a Russian-based initiative is an unprecedented interfaith religious leadership coalition coordinated by Rabbi Pinchas Goldschmidt who testified last year before the committee, and the Russian Jewish Congress, which is planning a high profile U.S. visit, and proposes to cooperate in the distribution of U.S. assistance projects as a means of gaining credibility among and access to their own constituents.

Finally, Mr. Chairman, my late friend and mentor, Morris Abram, to whom I have dedicated my testimony, was fond of quoting from the Rabbinic passage: "The day is short, the task is great, the workers are lazy, the reward is great, and the Master is impatient. You are not called upon to complete the work; neither are you free to desist from it."

Thank you, Mr. Chairman, for this opportunity to testify.

Senator SMITH. Thank you, Mark. Appreciate it very much.

[The prepared statement of Mr. Levin follows:]

PREPARED STATEMENT OF MARK B. LEVIN

Mr. Chairman, thank you for the opportunity to appear before this Committee to discuss the nature and remedies for popular hate movements in the successor states of the former Soviet Union. I am testifying on behalf of NCSJ, Advocates on behalf of Jews in Russia, Ukraine the Baltic States & Eurasia, which I serve as Executive Director. NCSJ, a non-for-profit agency created in 1971, is the mandated central coordinating agency in the United States on behalf of the 1.5 million Jews in the successor states. Today, NCSJ continues its commitment to safeguard the religious and political freedoms of Jews living in the successor states, protect their right to emigrate without impediment, monitor and combat anti-Semitism, and ensure that Jews have full access to Jewish education, culture, and heritage. NCSJ comprises 46 national member agencies and over 300 local community councils and federations across the United States. The Russian Jewish Congress, an umbrella organization of Jewish communities and organizations in the Russian Federation, with which we and the organized American Jewish community work in close cooperation, has asked to be associated with today's testimony.

Those of us who struggled to free Soviet Jews during the last 30 years, whether in Congress or in citizen movements, would never have imagined last month's Russian Presidential election, which met international standards and reflected a vibrant and engaged polity. Last December's parliamentary elections were similarly unimaginable just 10 years ago, in spite of the attempts to manipulate the outcome through the media. The other successor states exhibit an uneven range of democracy and civil society, from the unchained Baltic democracies of Lithuania, Latvia and Estonia to the largely untrained autocracies of Central Asia. In most cases, however, the distance traveled is significant. We would never have imagined a present where American Jewish delegations and indigenous Jewish leadership routinely meet with political leaders of the Russian Federation and most other successor states, allowing us to convey our concerns and hopes directly to those in power.

At the same time, we would never have imagined a post-Soviet landscape littered with neo-Nazi and fascist-oriented extremists visibly trying to revive the same fundamental ideology against which the Russian people battled so fiercely just six decades ago. As with other European countries that have seen a resurgence in hate movements and anti-Semitic appeals, Russia has also experienced this ugly phenomenon along with other successor states, particularly those bordering Eastern Europe. This reality is at once frightening and challenging, frightening since the stakes are so high at this decisive moment in the future direction of these fragmented societies and challenging since Americans and like-minded survivors of Soviet totalitarianism can still have a tremendous impact on that future direction. To do so, America must act now to support targeted initiatives and remain committed to seeing through what will be a decades-long succession of progress and setback.

The Committee on Foreign Relations, the U.S. Senate and the U.S. Congress have all established a proud and indispensable track record of leadership in the spheres of international human rights, religious freedom, and minority protection. The Senate's ongoing engagement and creativity on the international issues being addressed in today's hearing has been indispensable over the past decades of cold war and emerging democracy in Europe. Just last month, Mr. Chairman, 96 of your colleagues joined you and Senator Biden in urging Russia's new acting President Vladimir Putin to take strong measures against anti-Semitism, eliciting an almost immediate and unequivocal Russian response. This was an indispensable reinforcement of last year's Smith-Biden letter to then-President Boris Yeltsin signed by a total of 99 Senators, on the eve of his meeting with President Clinton in Cologne.

America's role in this respect is not significantly different from that envisioned by the aging Thomas Jefferson, who wrote in 1824, "I shall not die without a hope that light and liberty are on steady advance. . . . And even should the cloud of barbarism and despotism again obscure the science and liberties of Europe, this country remains to preserve and restore light and liberty to them. In short, the flames kindled on the 4th of July, 1776, have spread over too much of the globe to be extinguished by the feeble engines of despotism; on the contrary, they will consume these engines and all who work them."

The Soviet Jewry movement, from which my organization originated and in which hundreds of successive Members of the U.S. Congress actively participated, can claim an instrumental role in actualizing for the first time some of the fundamental principles enshrined in the 1948 Universal Declaration of Human Rights. The Helsinki Final Act, the Organization for Security and Cooperation in Europe, the Commission on International Religious Freedom and the reality that nearly all countries today must accept the validity of international standards even if they continue to

violate them, all bear the mark of American pioneers who redefined the boundaries of conventional diplomacy and partisan politics.

I wish to dedicate my testimony today to the memory of one of those pioneers, who passed away last month. Morris Abram, among the American Jewish community's most distinguished leaders and a former Chairman of NCSJ, was a prominent lifelong advocate for civil rights at home and human rights worldwide. He served five U.S. Presidents and was no stranger to these halls. He served on the prosecution team at the war crimes tribunal in Nuremberg in the 1940's, helped galvanize support for the Soviet Jewry movement in the 1980's, and spent his last 10 years addressing the court of international opinion within the United Nations system.

Responsible for the famous 1963 "one man, one vote" landmark Supreme Court ruling, Morris Abram maintained that appeals to racism and bigotry are effective only so long as society tolerates it. As America's opinion-leaders began making clear in the 1960's that racist rhetoric was unacceptable, mainstream politicians and others stopped using it. In much the same way, delivering a strong, public and consistent message to Russian society is the most obvious way for Russian leaders to impact the public attitudes that reward anti-Semitic and xenophobic appeals.

Morris Abram understood how to apply the lessons from our own national history to the world stage. As you yourself have powerfully suggested, Mr. Chairman, America's own spotty record on religious freedom does not disqualify us from admonishing the world, rather it obligates us to speak out and offer creative solutions to the community of nations.

The end of the cold war has presented new challenges to all concerned with the future of European society. Reflecting on his own role in promoting democracy and civil society in the wake of communism, Vaclav Havel writes, "The time of hard, everyday work has come, a time in which conflicting interests have surfaced, a time for sobering up, a time when all of us—and especially those in politics—must make it very clear what we stand for."

Leaders by definition help shape and inform the views of their constituents when they wish. As the Anti-Defamation League's September 1999 survey of Russian societal attitudes reported, 44 percent of Russians hold strongly anti-Semitic views. (With the Chairman's consent, I would submit the ADL report for insertion into the record of this hearing.) Many of these 44 percent are probably drawing lessons from pre-Soviet and Soviet leadership, who used anti-Semitism as a unifying device. Many of these 44 percent would probably think differently if those in positions of leadership and respect spoke out more forcefully against the canards and venom which characterize too many political speeches by fringe and—increasingly—mainstream politicians. We see the 44 percent statistic as a challenge rather than a failure. The failure will come if leaders do not set the tone for appropriate and acceptable rhetoric. We may not penalize nations for the sentiment in their hearts, but we must hold leaders accountable for effecting progress in public discourse and behavior.

Elsewhere in the successor states, the region of greatest significance is to Russia's west: Belarus, Ukraine, and the Baltic states. Belarus and Ukraine face contemporary movements that are partly inspired and supplied by the infrastructure of hate groups in Russia. With over half a million Jews living in Russia and over 400,000 in Ukraine, these two countries represent the flash point of anti-Semitic extremism and carry the highest stakes should the campaign for tolerance and civil society falter. The three Baltic states, whose pre-Soviet democratic tradition sets them apart from the other successor states, are struggling with issues of historical and national identity, including the remnants of pro-Nazi World War II detachments.

RUSSIA

The modern phenomenon of post-Soviet hate groups combines elements from the fascism of World War II and the nationalism that stretches back to czarist times. Speakers and participants in rallies and attacks frequently resort to Holocaust references and Nazi symbolism, including use of the swastika. This present-day phenomenon is troubling in itself as the groups continue to gain supporters and political power, and in the inconsistent condemnation by Russian leaders and officials.

Russia's 1997 Religion Law remains a source of difficulty for numerous religious denominations that are not considered "traditional" religions. Although the Religion Law recognizes Judaism as traditional, a number of Russian Jewish leaders as well as NCSJ have criticized this law out of a sense of historical memory and out of concern that the freedom of no religion can be guaranteed if that of any other religion is denied or abridged. The Religion Law could provide the legal basis for future re-

strictions on Jews and other religious communities currently assumed to be “traditional”.

While the anti-Semitism that existed as official State policy during the Soviet era has not resurfaced, some prominent political figures, particularly those associated with the Communist Party and ultra-nationalist movements, have employed anti-Semitism to further their own political ambitions. Such anti-Semitism, espoused by political leaders in parliamentary hearings, on television, in newspapers and at mass rallies, threatens to create a hostile environment for the Russian Jewish community. While still falling short of state-sponsored anti-Semitism, sporadic statements by government officials and increasingly extreme election-oriented attacks in the state-owned media compel constant reevaluation.

The fact that this practice of scapegoating Jews as the source of Russia's economic and social problems was less prominent than expected during Russia's recent election cycle is largely a reflection of Russia's focus on the ongoing campaign in Chechnya. The sustained assault on Chechnya has served to distract the attention of Russian hate-mongers, who have scrambled to fuel the xenophobia underlying much of the public support for military actions in the would-be breakaway republic. Whether the Chechen campaign succeeds or fails in Russian eyes, Russian Jews fully expect to be blamed for many of its human and financial costs. And once the Chechen people are no longer center-stage to Russian xenophobia, the venom of Russia's extremist minority threatens to focus again on Jews.

HATE MOVEMENTS IN RUSSIA TODAY

Written and verbal statements by General Albert Makashov, a leader in the Communist Party and deputy in the Duma until last December's parliamentary elections, include an October 1998 editorial in the Russian newspaper *Zavtra* in which he stated that a “Yid” (derogatory Russian term for Jew) is “a bloodsucker feeding on the misfortunes of other people. They drink the blood of the indigenous peoples of the state; they are destroying industry and agriculture.” The Duma failed to approve a resolution of censure against General Makashov for his anti-Semitic remarks, when it had the opportunity in 1998 and 1999, and in particular for his comments calling for death to Jews. The Communist Party has also failed to condemn General Makashov or to discipline him.

The extremist and virulently anti-Semitic Russian National Unity (RNE) movement is a paramilitary group registered in more than two dozen Russian regions, including major population centers. It is thought to have 50,000–60,000 members, of whom 10 percent are actively involved. At the same time, the skinhead movement in Russia, which first appeared in the mid-1990s, had already claimed 10,000 members by 1997. In July 1998, the Russian government proposed a ban on Nazi symbols and literature, but the legislation is still awaiting approval from the Russian Parliament. Locally, however, Moscow Mayor Yuri Luzhkov prohibited RNE from holding its convention in Moscow in December 1998. Mayor Luzhkov also visited a Moscow synagogue in a show of solidarity after a bomb was found there.

Although Pamyat was the leading Russian extremist group a decade ago, its place has been taken by newer or reconstituted groups—especially RNE—whose leaders and activists demonstrate more sophisticated manipulation of the political process and therefore pose a greater threat to rule of law and protection of minorities. Attempts by the Russian government to take action against these groups have only recently begun to pay off, with news that 12 members of Russian National Unity were arrested on criminal charges. The following politicians have regularly engaged in and supported irresponsible and inflammatory rhetoric against Jews and other Russian minority groups:

General Albert Makashov, former Duma Member
 Viktor Ilyukhin, Duma Member, heads security committee
 Gennady Zyuganov, Duma Member, heads Communist Party
 Vladimir Zhirinovskiy, heads ultra-nationalist Liberal Democratic Party
 Nikolai Kondratenko, Governor of Krasnodar, Russia
 Alexander Barkashov, heads Russian National Unity
 Igor Semyonov, prominent in Russian National Unity

Mr. Zhirinovskiy is now Deputy Speaker for foreign affairs in the new Duma, also chairing the committee responsible for media affairs, and a political associate of Governor Kondratenko now chairs the Duma committee on foreign affairs. These developments bespeak the mainstreaming rather than the marginalizing of hate.

RNE publications and their competition, though properly characterized as extremist, have gained such wide distribution that they may no longer be considered fringe. The following publications have consistently disseminated an alarming de-

gree of virulent anti-Semitic messages, exhorting their readers to anti-Semitic violence:

Natsionalnaya Gazeta

Russkaya Gazeta—frequently uses ‘kike,’ and other anti-Semitic words/phrases

Russkaya Mysl (weekly, Russian language) (Dec. 1998: in special issue in the form of leaflets w/wartime posters and the appeal: “Death to the Yiddish Occupants”)

Russkaya Pravda

Zavtra

Pamyat

DUEL, fascist publication circulated both in print and on the Internet, which chillingly evokes Nazi-era propaganda, flashing images of Jews as pigs to be slaughtered

The dissemination of anti-Semitic literature and the preaching of anti-Semitic and xenophobic messages by certain political leaders has contributed to numerous incidents of popular or “street” anti-Semitism in the past 2 years. Attacks or attempted attacks against Jews and Jewish institutions increased with alarming ferocity last summer, with the stabbing of a Moscow community leader inside the Moscow Choral Synagogue, bombs exploding adjacent to synagogues, and explosive packages found inside at least two Jewish institutions. To their credit, Moscow authorities ensured adequate police protection for the city’s synagogues during last autumn’s High Holy Day services and no serious incidents occurred, but a continuous security presence either in Moscow or elsewhere in the Russian Federation is still lacking.

RNE held a demonstration in Moscow on January 31, 1999. That same weekend, youths interrupted the convention of the liberal Democratic Choice of Russia Party, making Nazi salutes and praising Stalin. In early 1999, the town of Borovichy experienced an upsurge of anti-Semitism in the form of posters and caricatures, Jewish activists and their families were threatened with violence, and fire was set to a new Jewish community facility provided by the town.

On March 7, 1999, a synagogue in Novosibirsk was desecrated. On May 1, two identical bombs exploded near Moscow’s major synagogues; RNE was the prime suspect in the investigation. On May 2 and 3, the only synagogue in Jewish Autonomous Oblast in Siberia was attacked; windows were broken and swastikas were formed out of stones in the yard. On May 18, a disconnected though powerful bomb was found inside the Shalom Jewish Theater in Moscow.

On July 13, a neo-Nazi brutally stabbed a Jewish community leader inside the Moscow Choral Synagogue, and on July 25 a powerful bomb was discovered inside another Moscow synagogue, shortly before a religious celebration. Bombs also exploded adjacent to each of two Moscow synagogues during the same period. Moscow Chief Rabbi Pinchas Goldschmidt told us at the time, “The situation is the worst it has been since I am here—it has never been worse.” Rabbi Goldschmidt and his family have lived in Moscow for over 10 years.

The existence of formal hate groups is now complemented by more mainstream attacks in the mass media. Carefully timed media attacks, based on the assumption that Jewish identity can disqualify candidates in the eyes of voters, have sought to tar political contenders with Jewish connections and even Jewish heritage. Two recent national broadcasts over O.R.T., a television network in which the Russian government has controlling interest, have been of special concern. In November 1999, days before Russia’s parliamentary election, the leading news magazine “Vremya” aired a report that accused the Russian Jewish community in general, and the Russian Jewish Congress in particular, of being a “fifth column” for the West. Three days before Russia’s March 26 Presidential election, O.R.T. capped a series of attacks on reformist candidate Grigory Yavlinsky by tying his support to gays, Jews, and Israelis. During the report, the images displayed included a scene of Jews in Hasidic garb.

The series of media attacks was understood by observers and political analysts as an attempt to keep Yavlinsky from draining votes from Mr. Putin. To the best knowledge of NCSJ, the Russian government has yet to condemn or repudiate either of these reports that were watched by millions of Russians, which is particularly unfortunate since audiences are uniquely focused during election campaigns—a fact the hate-mongers seem to fully appreciate.

A leaflet disseminated across Russia in December 1999 used a photograph of Russian Jewish Congress leader Vladimir Goussinsky standing with Moscow Mayor Yuri Luzhkov, both men wearing yarmulkes, under the heading, “A Puzzle for Children: Which of these two is Jewish?” The tag line read: “According to some information, the real name of Luzhkov is Katz. His name Luzhkov he took from his first wife.” The leaflet was distributed just before Russians would vote in parliamentary elections, and Luzhkov’s party was a leading contender for seats in the Duma. I

would ask to submit the leaflet with English translation into the record of this hearing.

Given the current environment, has it become politically convenient to resort to ethnic and religious stereotypes, and politically inconvenient to denounce the propagandists?

Whatever these troubled economic and political times portend for Russia, former President Boris Yeltsin's administration did make various efforts to work against the nationalist and extremist forces in Russia. In an historic address to the Nation on the occasion of the 57th anniversary of Nazi Germany's invasion of Russia in June 1998, President Yeltsin warned for the first time of an increasing threat to Russia by the active neo-Nazi movement. In addition, he and other senior members of his government condemned a number of manifestations of anti-Semitism in Russia and pledged to take action. Those first steps were noteworthy and encouraging, but a consistent and dependable legal framework is needed to counter rhetoric with rhetoric and action with action.

Since entering government, President-elect Putin has been involved in efforts to control extremist groups. As Director of the FSB, Russian counterpart to the FBI, Mr. Putin was responsible for coordinating and directing enforcement of anti-incitement statutes and other laws designed to protect minority groups. As Prime Minister, Mr. Putin addressed a delegation from the Federation of Jewish Communities of the C.I.S. delivering a strong statement against anti-Semitism. The recent trial and committal of the Choral Synagogue attacker reaffirmed for many the commitment of Russian officials and President-elect Vladimir Putin to protection of minorities, as did his post-election announcement that the since-recovered stabbing victim—Leopold Kaimovsky—would be nominated for decoration as a hero of the state. It is too early to judge the impact from the reported arrests of Russian National Unity members, but their successful prosecution would represent a step forward.

While official condemnation of certain verbal and physical attacks is encouraging, the delay in high-level statements helps fuel and has unintentionally encouraged the increasing frequency and severity of anti-Semitic incidents. The prevention, prosecution and condemnation of anti-Semitic crimes and incitement are only effective if employed in an ongoing and consistent manner, independent of elections and electioneering. Respecting and protecting of minority rights cannot be permanent if only implemented episodically in response to Western pressure; such measures are inherently in Russia's own interest.

Since becoming acting President, in addition to his decorating of Mr. Kaimovsky, Mr. Putin has conveyed to U.S. Congressional leaders his government's commitment to combating anti-Semitism and other forms of ethnic and racial hatred. NCSJ and other Jewish organizations have expressed their willingness to work closely with his government and with the Russian Jewish community to implement public campaigns and training programs to promote this goal.

I would like to provide one example of a community-based initiative to stem the destructive forces of extremism and xenophobia in Russia. Chief Rabbi Goldschmidt, acting in his capacity with the Russian Jewish Congress and in conjunction with NCSJ, has coordinated an unprecedented interfaith leadership coalition within the Russian Federation that can begin to address the intolerance and mutual suspicion underlying Russian society. The coalition represents the religious leadership of the Russian Orthodox, Jewish, Islamic, Catholic and Lutheran communities in the Russian Federation.

Rabbi Goldschmidt's project is grounded in the belief that, although religion has been used to divide, it also carries the potential for facilitating dialog and cooperation within and between communities. Despite the significant cleavages and outstanding grievances within modern Russian society, leading clergy from five disparate faiths have united to promote a common agenda of humanitarian action, communal healing, and civil society. The coalition is self-sustaining, but there will also be an opportunity for Americans to bolster its profile and impact.

UKRAINE

Ukraine presents a combination of challenges and opportunities. The history of deep-seated societal anti-Semitism in Ukraine stretches back for centuries, and the legacy of World War II and Stalinist persecutions has taken its toll on Jews as well as non-Jews. The Holocaust saw 600,000 Ukrainian Jews murdered and left a haunting symbol in the ravine at Babi Yar in Kyiv where over 33,000 Jewish victims were executed over mass graves in just 2 days in September 1941. Despite the painful memories, the modern-day manifestation of anti-Semitism and hate-group activity is lower in Ukraine than in neighboring Russia.

The Ukrainian Jewish community and American Jewish organizations work closely with the Ukrainian government, as well as with the U.S. administration and the Congress, on many items of interest and concern. Several issues remain unresolved, but the lines of communication and understanding are open. The issue of restitution, which has attracted much deserving attention with respect to Holocaust-era claims, is now the subject of dialog and discussion with respect to hundreds of Jewish communal properties in Ukraine that were seized by the Soviet regime and could be used by the surviving communities. Anti-Semitism in Ukraine today is most visible through the publication of anti-Semitic articles, journals, and leaflets. As in Russia, expressions of popular anti-Semitism do increase in volume during the lead-up to national elections, as named and unnamed political contenders seek to delegitimize their opponents by tying them to Jewish stereotypes.

According to a recent report by the Jewish Confederation of Ukraine, the publication rate of anti-Semitic articles or periodicals rose 20 percent in 1998 to 265, largely the result of an influx of material from Russian sources and the political jockeying prior to Ukraine's parliamentary elections; interestingly, despite the high visibility of anti-Semitic material, the number of Jews in the Ukrainian Parliament actually increased to nearly 20. In 1999, which culminated in Ukraine's Presidential election, the publication rate of anti-Semitic material slightly declined to 222—still an unacceptably high number that included the Parliament's own newspaper. I am pleased to submit the Confederation's report for inclusion in the record of this hearing. While Ukrainian Jewish leaders feel that politicians and officials need to speak out more forcefully against the often incendiary content and packaging of these messages, the Ukrainian authorities have moved to suspend a handful of publications while others have cut circulation. Disappointingly, public condemnations have not been forthcoming from senior officials in any consistent manner.

It would be a grave error to take for granted the relatively restrained degree of open anti-Semitism in Ukraine. It is simmering beneath the surface in a way that need not incriminate Ukrainian society, but which must be addressed by Ukrainian opinion-shapers and policymakers if that Nation ever hopes to achieve integration with the West. Working with Jewish leadership in Ukraine and the United States, and with the U.S. Congress and Administration, the Ukrainian Government is beginning to promote historical dialog and redress. Much ground remains to be covered in the struggle for a tolerant society.

BELARUS

In Belarus, as in too many European countries, the legacy of anti-Semitism is palpable. The present-day manifestations are less pronounced than in Russia, but the international isolation and authoritarian nature of the regime generate a potentially volatile mix. The less democratic a country, the greater our concern that leaders in the future may resort to the engines of hate to drive their policies or popularity, unrestrained by the rule of law or mature civil society. Mindful of this caveat, the government of Belarus has been responsive to certain concerns, but not with any degree of consistency.

Much of the media anti-Semitism in Belarus emanates from Russian sources, notably Russian National Unity. In 1999, the Government of Belarus halted the publication of a Russian-based newspaper under a statute banning publications that incite ethnic hatred. An April 1999 arson attack on a Minsk synagogue received national media coverage, and authorities arrested two suspects. The government has formed a commission on national minorities, where most religious and ethnic groups are represented.

Last month, a Belarus court ruled in favor of the publisher of an anti-Semitic book in a suit brought by the Jewish community. The book is a collection of anti-Semitic material taken from such anti-Semitic sources as the *Protocols of the Elders of Zion*. The community charges that the book, *A War According to the Laws of Viciousness*, "discredits the honor, dignity and reputation of Jews." The presiding judge ruled that the material does not defame the plaintiffs and is of "scientific character and the topic of discussion by scholars around the world." In letters to a senior official in Minsk and to the Belarusian Ambassador in Washington, NCSJ wrote that "the distribution of this book incites inter-ethnic hatred and undermines the prospects for civil society in Belarus" and called on the Government "to take a strong and principled stand against those who promote intolerance, bigotry and anti-Semitism." NCSJ has spoken with the Belarus Ambassador to express our concern and will continue to support the Belarus Jewish community as it appeals the court's decision.

Although greater freedom and openness often spell greater opportunity for the expression of hate, democratic institutions also afford greater transparency and ac-

countability. And participatory democracies lend themselves more naturally to the growth of civil society that can check and counter xenophobia.

THE BALTIC STATES

Among the Baltic states, Latvia and Lithuania are still confronting issues and groups dating back to World War II, including the past rehabilitation of alleged war criminals and the prosecution of others. As the independence and democratic development of the Baltic republics predated the Soviet takeover at the beginning of World War II, these three nations retain much stronger traces of civil society and affinity to the West than the other 12 successor states.

Since Latvia regained its independence, the Jewish community has enjoyed a positive working relationship with the government and other civil institutions. While the Latvian government is currently in discussion with the United States and other countries about the potential extradition and trial of alleged Nazi war criminal Konrads Kalejs, Latvia has seen increased distribution of the notorious book *The Terrible Year*, which blames Jews for Soviet atrocities preceding the German invasion. Veterans of the Latvian Legion of the Nazi SS marched through Riga last month. In 1998, a Riga synagogue was bombed and later defaced with anti-Semitic graffiti, and in April 1999 the Holocaust memorial near Riga was bombed. We are not aware that any suspects have been arrested or prosecuted.

Lithuania has a record of swift rehabilitations following the post-Soviet regaining of Lithuanian sovereignty. Earlier this year, the Lithuanian Parliament passed a law that allows courts to try alleged war criminals in absentia when they are too ill to attend. This important legislation redresses the increasingly common situation where those who have evaded justice for so long have then avoided prosecution because of their now advanced age. In conjunction with B'nai B'rith International, Lithuania recently distributed 7500 copies of *The Diary of Anne Frank* in Lithuanian translation for use in the school system. Rather than the past as prologue, it can also be a warning if the proper lessons are inculcated into future generations.

RECOMMENDATIONS

Post-Soviet societies now stand in the breach between the most appalling features of communism and the promise of a modern civil society. Havel has observed: "The authoritarian regime imposed a certain order. . . . This order has now been shattered, but a new order that would limit rather than exploit these vices, an order based on freely accepted responsibility to and for the whole of society, has not yet been built—nor could it have been, for such an order takes years to develop and cultivate." This is the critical time, not only for securing the protection of minorities today but for ensuring the potential for future progress and societal stability.

The advocacy movement on behalf of the Jews in the former Soviet Union has made great strides over the past three decades, from attaining freedom of emigration for Jews to the rebirth of Jewish communal life, but anti-Semitism today remains a serious threat in Russia other successor states. The best response to this phenomenon is preemptive, and addressing the manifestations that are already flaring up and spreading.

Speaking out: It is imperative for government and civic leaders to denounce the inflammatory and irresponsible words which, in too many cases, inspire violence and undermine public confidence in the rule of law. Although many members of extremist groups believe inherently in xenophobic responses to national difficulties, their leaders appeal to such passions for broader political advantage. When such ploys proceed unchallenged, the most cynical and dangerous messages gain implicit validation and extremism crosses into the mainstream. When, on the other hand, opinion-shapers and public personalities consistently condemn hateful and instigating rhetoric, this removes the cloak of respectability and reduces the value of resorting to a vocabulary of fear. This is the lesson that Morris Abram taught to his home State of Georgia and to the American people, and to the world community. And these concerns will best be addressed when Russian leaders appeal and affirm to the Russian people that extremism and violence are antithetical to democratic progress and economic integration.

Prosecution: Concrete action by government and non-governmental leadership must follow public statements of condemnation. The government must enforce laws already enacted to combat fascist propaganda and extremism. In addition, developing hate-crime legislation, monitoring hate-group activities and utilizing law enforcement and judicial mechanisms are key components to combating ethnic hatred. Anyone who propagates ethnic hatred, whether common citizen or government official, should be held accountable and prosecuted to the full extent of the law, and parliamentary immunity lifted from those elected officials who incite ethnic hatred

and violence. Bringing Holocaust-era war criminals to justice also reminds the public of the horrific consequences of unbridled hate. Unfortunately, we are unaware of any successful prosecutions against those who engage in virulent anti-Semitic behavior in the former Soviet Union.

Public Education: Public education campaigns against intolerance should accompany any legislative or judicial strategy, particularly in remote regions that lack the economic and educational resources of urban areas. Such programs can encourage multi-cultural understanding and be integrated into a long-range strategy toward the eradication of anti-Semitism and ethnic hatred in Russia and elsewhere.

NCSJ advocates long-term and institutional cooperation among the U.S. Government, governments of the successor states and NGO's to develop and implement educational initiatives to promote pluralism and tolerance. Integrating tolerance-oriented curricula into the school systems is indispensable, and Holocaust education provides a solid track record. Another important strategy involves using the mass media to counteract negative and hateful messages. Some Western models for combating racism and ethnic hatred may be adapted to Russian communities as well.

Jewish Community Role: NCSJ has been working with its member agencies, such as the Anti-Defamation League (ADL) and Jewish Women International to develop programs with Jewish community leadership on democratic initiatives. In addition, we are also working with other member agencies, such as the American Jewish Committee (AJC), to highlight particular problems as well as to identify solutions. The Jewish community is prepared to offer guidance and make recommendations to the Russian government for a comprehensive campaign to counteract intolerance, which the Russian government must ultimately fight through legislation, law enforcement, and public education.

Long-Term Framework: Addressing extremist activities means more than monitoring and investigating individual incidents—and, hopefully, beginning to show actual results—or speaking out against specific individuals and groups. A system of law that protects the rights of religious minorities and which is predisposed to the prosecution of those threatening these rights is the best and lasting guarantee of a climate that promotes tolerance and the rule of law.

Institutional Focus: The list of organizations, individuals, publications and incidents relates only to the current manifestations of an undiminished extremist trend. Such organizations as Pamyat, which once led the list of anti-Semitic hate-mongers, have now been eclipsed by formerly obscure groups as RNE. Names like Vladimir Zhirinovsky, once thought to be relegated to the past by Alexander Barkashov and Albert Makashov, have now returned as mainstream hate-mongers. Without a consistent institutional focus on the phenomenon and the climate of hatred and violence, as well as on examples and practitioners of the day, there will be no respite in the present and no guarantee of rule of law for the future.

U.S. Government Role: The situation also requires continued U.S. Government engagement. U.S. officials must emphasize to their counterparts in the successor states the importance of continuing the transition to a democratic and pluralistic society and of developing an appropriate infrastructure to permanently support economic development, law enforcement, and minority rights.

As I mentioned at the beginning of my testimony, the U.S. Congress and the Administration have been consistently engaged on the specific concerns regarding anti-Semitism and popular xenophobia as well as on the broader imperative of continued U.S. support for the agents of tolerance and civil society throughout the successor states. Beyond the confines of Capitol Hill, direct contacts with leaders and counterparts in the region are also instrumental in identifying those agents of progress and in impacting upon public and elite attitudes. And it reminds the American people of our mission in the world.

I return to the interfaith religious leadership coalition coordinated through Chief Rabbi Goldschmidt and the Russian Jewish Congress, and two specific ways in which the U.S. Government and Congress can play a role in this unifying factor for civil society. The coalition plans a U.S. visit by a small but senior delegation of religious leadership representing the different faiths. In addition to providing the aegis for such a groundbreaking visit, the United States also offers a broad range of useful models that clergy can apply to Russian society. The coalition also seeks to cooperate in the distribution of U.S. assistance projects, which would allow the inter-religious coalition to build working relationships and to gain credibility among and access to their own constituents.

My friend and mentor, Morris Abram, was fond of quoting from the following rabbinic passage: "The day is short, the task is great, the workers are lazy, the reward is great, and the Master is impatient. . . . You are not called upon to complete the work, neither are you free to desist from it." Thank you, Mr. Chairman, for this opportunity.

THE JEWISH CONFEDERATION OF UKRAINE—THE INSTITUTE FOR JEWISH STUDIES

THE REVIEW OF THE ANTI-SEMITIC PUBLICATIONS AND MANIFESTATIONS IN UKRAINE

More than two hundred (222) anti-Semitic publications in the official periodicals of Ukraine were registered in 1999. The total number of registered anti-Semitic publications comes to 250 considering the plenitude of pre-election leaflets of the anti-Semitic content, along with other anonymous publications which appeared during the pre-election campaign of the head of Kiev administration and presidential pre-election campaign in Ukraine. Therefore, the total number of anti-Semitic publications in 1999 is fewer as compared to those in previous 1998 (then they were 265). This fact could be accounted first of all for the suspension of the 'Idealist' paper issuance (starting April, 1999); the cutback of circulation of the 'Sa Vilnu Ukrainu' paper (from four per week in 1998 through to the weekly edition in 1999, and its suspension in December, 1999); and the cutback of circulation (as compared to 1998) of the 'Neskorena Natsija' paper.

The table suggested below provides the circulation figures of the papers that were most active in practicing anti-Semitic publications per 1 year and the total number of such publications in each of these newspapers per year. Besides, it provides the statistics about the amount of most aggressive (rigid) publications from the total number of anti-Semitic publications in each of the periodicals per 1 year.

Title	Circulation in 1999	Total number of anti-Semitic publications	Number of tough anti-Semitic publications
Za Vil'nu Ukrainu (ZVU)	95	86	44
Vechirnij Kyiv (VK)	285	77	12
Idealist	3	28	27
Neskorena Natsija (NN)	16	18	7
Sil's'ki Visti	285	5	1
Other official periodicals. ¹	No data	13	1
Anonymous pre-election publications .....	.....	23	12
Total: .....	.....	250	104

¹ "Other official publications" include: Stolytsia (1), Hreshchatyk (2), Stolichnaja Gazeta (2), Shliakh Peremohy (1); Postup (1); Hrono (1); Podolia (3); Ukrayina Moloda (1); Zhuravlyk (1).

The dynamics of the anti-Semitic publications can be followed by the table, in which data of the number of anti-Semitic publications in major publications of the anti-Semitic trend in the previous (1998) year is compared to that of 1999.

Title	No. of anti-Semitic publications in 1998	No. of anti-Semitic publications in 1999	Dynamics of the anti-Semitic publications, to 1998 (In Percent)
Za Vil'nu Ukrainu (ZVU)	118	86	72,5
Vechirnij Kyiv (VK)	29	77	265
Idealist	31	28	90
Neskorena Natsija (NN)	22	18	80
Sil's'ki Visti	No data	5	100

As it is observable from the suggested data most essential indication is more than double increase of anti-Semitic publications in Vechirnij Kyiv while the number of tough anti-Semitic publications in this newspaper in 1999 remained on the level of 1998.

Essential changes in the list periodicals those publishing anti-Semitic materials are observed in 1999. Thus the issuance of the paper 'Nezboryma Natsija' (Neskorena Natsija)—a periodical of the right wing radical party 'Derzhavna Samostijnist' Ukrainy (The State Independence of Ukraine) (VO DSU) has been suspended. The Kharkov newspaper 'Panorama' after several months of being silent is being issued again, but anti-Semitic materials have disappeared from its pages. None open anti-Semitic publications have been registered in the newspapers that were in the list last year, such as 'Moloda Halychyna', 'Khliborob', 'Samostijna Ukrayina', 'Volyn', 'Vinnyts'ka Gazeta', 'Moja Rodina—Ukraina', 'Ternopil's'ka Gazeta', 'Ukrains'ke Slovo'. The number of anti-Semitic publications in such papers,

as 'Hrono' (9 per 1998 to 1 per 1999) has essentially decreased; 'Postup' (8 in 1998 to 1 in 1999).

At the same time plain anti-Semitic of statements started being published during the presidential election campaign in one of the most widely circulated papers 'Sil's'ki Visti'.

The periodicals, which have made anti-Semitism its chief subject, cooperate regularly and closely. They reproduce anti-Semitic articles by each other, share the translations of foreign anti-Semitic "classics". In case of 'infringement' of one of these periodicals by the authority or some criticism on the part of democratic press appears they jointly advocate their positions.

There is sufficient reason to consider that all three newspapers such as 'VK', 'ZU', and 'NN' that actively publish anti-Semitic materials to a greater or lesser extent are financed from abroad by the Ukrainian Diaspora. One trace regular business links between these periodicals and foreign organizations. The leaders of various Ukrainian Diaspora's organizations regularly visit the editions of the listed newspapers. They report about these meetings with enthusiasm. A number of anti-Semitic materials published in these newspapers, belong to the foreign authors. It is quite obvious, that these newspapers have well-organized channels on which foreign 'classics' of anti-Semitism arrive to Ukraine. It is understandable that the newspapers are circulated in a number of countries of Europe, in the USA and Canada. The replications of foreign readers to particular anti-Semitic publications prove it. 'VK' has its web page in the Internet and publishes replications of its foreign readers to the publications in the newspaper.

As to the events that caused the greatest number of anti-Semitic manifestations in 1999, first of all it is necessary to relate the periods of election campaigns in 1999: the Kiev mayor election in May and Ukraine's president election in October. The number of anti-Semitic publications at this particular time increased essentially; the leaflets and anonymous newspapers of anti-Semitic content were distributed; the anti-Semitic slogans were reanimated, and on the walls or buildings anti-Semitic messages were found; the provocations were arranged.

The outburst of anti-Semitism encouraged Gregory Surkis to participate in the elections of the mayor of Kiev. Gregory Surkis' ethnic origin became the major accusation's argument of his opponent drafted deliberately with respect to the traditional anti-Semitism. His 'non-Ukrainian origin' and 'sinfully earned capital' become the leading motifs of diverse publications, leaflets, and statements aimed at him. In VK even a special column was set up as a part of the pre-election propaganda, where the letters of the readers with insinuations and revelations of anti-Semitic characteristic addressed to Gregory Surkis, while caricatures and witty remarks aimed at him were published.

The Party of Slavic Unity in its leaflet, addressing the voters, writes: "Most likely, there are perfect administrators among the Koreans. But they are good only in Seoul. Most likely, there are good managers among the Azeri people. But their talents can blossom only in Baku. It could be that among the Jews there are quite good mayors. But they will cope with the function let's say in Haifa or Tel Aviv. . . . The mayor of Kiev should be Slavic only! Let the memory of our forefathers and the Slavic blood advise you the correct choice!"

In a number of the anonymous leaflets and newspapers anti-Semitic motives sound bluntly and barefacedly. There is an image of a criminal oligarch to whom, by virtue of his origin, the interests of Ukraine and of its citizens are alien. Any fact regarding the employment or business profile of G. Surkis is distorted and presented as a criminal one. They used speculations and outspoken falsehood. "Tomorrow he will embezzle money and flee to Israel, being its citizen," is written in one of them. The same motif is perceived in the article by A. Omelchenko—the Mayor of Kiev, the nominee for the second term ("The Address of Alexander Omelchenko to the Kievites", "Kvartyrne Bjuro", #5, 27.05.99). In his address A. Omelchenko hints at a certain global plan of a criminal clan of oligarchs to plunder Kiev, its leaders being capable even to get connected to most influential forces, both inside the country and abroad: "Which invisible hand supervises not only leading TV and radio channels, newspapers and advertising, but also carry numerous foreign propagandists, who are ready "to hop" and sing on kindly provided stadiums—for they elected the one who will pay".

The anonymous newspaper "Facts without Comments" is widely circulated. Its eight columns are assigned to 'the disclosure' of G. Surkis, and all of the columns to a greater or lesser extent make use of anti-Semitic arguments in fighting the nominee.

They fabricate provocative leaflet made ostensibly on behalf of the Kievites, Jews by their ethnic origin. The objective of the original authors of the leaflet is not just to list dubious crimes by G. Surkis, but rather to create a profile of a person, ready

for the sake of profitableness and authority reject his parents and ethnic origin. But what is most important, they are to convince the voters, that forces, that support G. Surkis are the “global Jewry”, that has already begun to carry out the plan on seizing power in Ukraine. We are interested mainly in other things. Just tell, why you a Jew by your origin and nature, why do you deny our nationality and your father Surkis Rahmil Davidovich’s name? Or else the Jews are pursued in Ukraine? Just look at our Parliament and that faction, which you affiliate with. Is it bad, that there side by side with you work such deputies, the Jews by their origin as Zviagil’sky, Tabachnik, Gurvits, Dvorkis, Medvedchuk, Joffe, Gubsky, Kosakovsky, Brodsky, Babich, and dozens of others? More and more Ukrainian Jews are appointed to high governmental positions and govern cities and areas. There were many Jews, including you, in the surroundings of Kravchuk Leonid Makarovich, who nowadays is your close friend and a person empowered to act for you. Albeit at the time of your cooperation were embezzled and depreciated all savings of the population, nevertheless they promise to return hereafter. Jury Rybchinsky, a Jew by the way, is the adviser on culture of L.D. Kuchma, the present President of Ukraine who is also your close friend. Nobody persecute Jews in mass media either. Are not our people posses main channels of the television and numerous newspapers, including, Kievskiy Vedomosti which you have seized from Michael Brodsky. So why you let yourself go denying your father, wishing to conceal your roots?”

The fight for the Presidential office has raised a tide of anti-Semitism that has fallen outside limits of quite local opposition in capital. Especially active were the anti-Semitic arguments used in the fight against the acting authority and president L. Kuchma who was a nominee for the second term. “The aristocracy of money”, “oligarchy”, “the thieves and the bribe takers” are declared to be the agents of the outside malicious forces, first of all, Jewish. So, the Lvov Association of the Voters of Ukraine writes in the address: “Kuchma is not the Ukrainian President. It is difficult to find a Ukrainian in his surroundings, but you easily will find a great number of Yids (pejorative for the Jews) such as D. Tabachnik, E. Kushnarev, V. Rabinovich, G. Surkis, J. Rybchinsky, Joffe, Pashaver, . . . And about ten nazi Chassids “the volunteers”. All those cosmopolitan brotherhood protected and given blessing by Kuchma are not just thieves, and tear Ukraine to pieces” (*Neskorena Natsija*, # 9–10 (149–150), September 1999, page 1, *The Association of the Voters of Ukraine* “presidential Elections. For whom to vote?”).

Similar charges reproduce numerous leaflets, the anonymous 1-day papers and already named papers such as VK and Za Vil’nu Ukrajinu: “To the great extent the President’s environment consists of the people, whose interests are rooted in Chassidism (Kushnarev, Rabinovich, Volkov, etc.), and even more, in the interests if their own self-enrichment at any cost which entirely contradicts the ideas of harmony and equality common to all mankind” (*Za Vil’nu Ukrajinu*, #72–73 (1546–1547), 10.09.99, pp. 8–9, *Iryna Kalynets, Mezha*).

In struggle for the electorate they used the motives of “the non-Ukrainian origin” of a nominee whenever there was an opportunity. One of the anonymous leaflets declares: “Citizens of Ukraine! A nasty deception awaits our country during the presidential elections of 1999. The Jewish mafia through Natalya Vitrenko is getting prepared to capture Ukraine, suppress the Ukrainian people and seize our land. Study this Jewish face . . . This is Vitrenko her real last name being Dubinskaya . . . Do not believe in the hypocritical slogans of Vitrenko! Vitrenko brings forth destruction and death of the Ukrainian nation. That one who supports Vitrenko he/she works for the enemies of Ukraine and promotes Jews to seize our country. The Ukrainian people! Let’s protect the Native Land! Let’s protect the soil! Let’s rescue Ukraine from Vitrenko, a Jewish agent in Ukraine! Disallow the Yids to come to power! Yidka (a pejorative for a Jewish woman) Vitrenko go to Israel! Death to the Yid mafia in Ukraine!!!”.

The content of this leaflet was immediately reprinted by a number of periodicals with every possible variation, which main idea is in the formula: the Jew is an enemy of the Ukrainian nation. If not factual, then a potential one. The interests of the Ukrainian people, Ukrainian State are alien to him/her.

They declared to be the Jews not only those who has a slightest relation to the Jewry, but also everyone, who stands on other ideological platform and supports of the other candidate.

There were instances, when in the places of meetings with the candidates, both left-wing, and right-wing orientations, on the walls of the houses and a synagogue the images of a swastika and gallows were drawn with the star of King David hung up on it and slogans of a type “Long Live to Makashov!” and “Death to Yids!” (*Zhytomir, L’viv, Uman*).

The very fact that 1999 was full of important political events such as the elections in many respects has also outlined the priorities in the list of the standard anti-Semitic myths. Just in these periods of the anti-Semitic publications the myth prevailed about the geopolitical influence of the Jews, their global conspiracy against Ukraine. They offered numerous actions on the removal of the Jews from all spheres of the Ukrainian life.

The next regarding the frequency of its use goes the myth on the guilt of the Jews as far as the Ukrainian people are concerned.

One more of the ideological theories of anti-Semitism that has occupied an essential position in the anti-Semitic propaganda of 1999. They are the charges of the Jews in the economic expansion, misappropriation of the resources of the country, illegal transfer of the capital.

It is characteristic, that the use of other ideological theories of anti-Semitism, they used rather frequently in 1998, in 1999 have been pushed off to the background. The gravity of confrontation with the acting authority hostile to Ukraine, in the opinion of anti-Semitically minded forces has driven those ideological theories of anti-Semitism, which were directed straight against this power. Of course, such ideological theories as the denial of the holocaust; the anti-humane directness of the Jewish religion, and others are available in the anti-Semitic texts in 1999 considerably less often, as compared to those in 1998.

The following fact is also essential. While in 1998 they answered to the anti-Semitic provocations in the publications with the discussions of such issues as the existence anti-Semitism in Ukraine, the use of the word "Yid" or "Jew", in 1999 they were the publications about the trial of the authors of the book "Anti-Semitism Against Ukraine"—"VK". Moreover, there were multiple anti-Semitic publications provoked by the "exposures" of E. Hodos, that were directed against the Jewish organizations, outstanding Jewish businessmen and especially the Chassidism and Chabad in particular.

1. The myth about the geopolitical power of the Jews, the global control, and the conspiracy with the purpose to achieve this control.

Regarding the ratio of the use this myth the previous year it occupied the first position, but habitually was used in its standard variant, outside the Ukrainian context. This time their main content was the Ukrainian reality.

The realization of this myth can be observed in time, as well as its transformation from the universal global evil through to a concrete evil, really sinister for Ukraine. Early this year some months prior to the elections, it was still used in its classical variant.

According to the author of *Vechirnij Kyiv*, who identifies the Jews according to the anti-Semitic standards the Jews and the Masons maintain that exactly they are most influential, most mysterious and secret force, which not simply influences everything, happening in the world, but plans such epoch-making events as world wars, revolutions, even colonization of all the continents. The masons decide who is to be a president in that or other countries. This is certainly a secret world government to which "the USA, Israel, and the United Europe" serve for. "In its depths the immense projects are born: the destruction of some states and nations, and the exalt of others the repartition and reorganization of the world. The masons dictate a double standard in the global to all the states and even the United Nations which since long ago has become a fawner of the USA. Otherwise would it be possible for such a small useless State as Israel so imperiously dispose in the Middle East without this double standard policy don't giving a damn about the UN resolutions, seizing Arabian territories, executing the genocide of the Palestinian people in the presence of "the entire world's civilized community" expelled from their native land over forty years back, cut out in the camps of Sabra and Shatila in Southern Lebanon and on their own lands that are occupied, including Jerusalem? It is also a civilization but masons way: everything is allowed but to one people, whatever small it is, while all others such as Iraq, Libya, Yugoslavia can be simply wiped off the face of the earth for some imaginary operations at any moment Clinton or "the world government of David Rockefeller will wish". (*Vechirnij Kyiv*, 04.02.1999, p.4, *Oleksander Syzonenko, Super-government. The Masons: From Solomon to Bush and Gorbachev.*).

They get back to the classical global variant of this after the elections: "... A few have noticed that among the supervisors of all actions of the earth civilization, the representatives of the global intelligence, chiefs and judge "non-cloned sarahs, davids, and isaacs are present". (*Vechirnij Kyiv*, #283 (16460), 29.12.99, p. 4, Andrij Chornukha, Where are those Fences and Those Backstops. . .) .

With the presidential elections getting near Ukraine becomes the main foothold of the battle for the world dominance. The myth about the geopolitical dominance of Jews is already presented as an absolutely real threat for the independence of

the Ukrainian nation, for the Ukrainian state. It is filled up with “the acknowledgment” (“confirmations”) of key posts in Ukraine being seized by Jews (or their accomplices); secret arrangements of the world Jewry being under way, their major goal being the annihilation of the Ukrainian people.

“Under the wise management of Yido-communist fuhrers Ukraine is transformed into a perishing concentration camp: about half-million people die annually due to famine and sicknesses; the birth rate comes to naught, while Kuchma regularly vetoes the improvement of people’s. Kuchma actually has transformed Ukraine into the USA and Israel’s territory, “he skillfully” accomplishes the plans of the world Yids’ community on the eradication of the Ukrainian people”. (. . .) He has ratified the anti-national and anti-people’s law on the elections, neglecting the leading role of the Ukrainian nation; through the law Kuchma has legalized the Ukrainian nation to be in a position of the natives, slowly extinguishing beggars that adhere to the Yid internationalism that fool them down, and the destructive policy of “the God chosen nation”; he has neglected the national-proportional representation in all spheres of public life. If we do not stop the actions of such a president, he, acting in interests of the Zionists and, certainly, with their help will go far down to the entire elimination of the Ukrainian people, to joining the international Zionist parliament” (*Neskorena Natsija*, #13–14 (153–154), September 1999, p. 5, Pavlo Holovchenko, “The Intent and the Objectives of President Kuchma’s Activity”).

“And when an ignorant Khohol-Maloros (a deprecatory for the Ukrainians) deceived by the Jewish mass media blames Ukraine’s independence for all his troubles, who will explain to him the true reason of his awful situation, that on behalf of such Ukrainian presidents the Ukrainian state is actually controlled and governed by Zviagil’sky and Tabachnik, Paschaver and Joffe, Kushnarev and Surkis, Gorbulin and Rabinovich”. (*Zhuravlyk*, #9 (17), September, 1999, p. 2, *Hvedot Slobodianjuk*, *Ukrainian Viewpoint. Up to Seven Yids for each Layman*).

Among such publications it is possible find outspoken vulgar intimidation: “You, the Yid mason drones, God damned upstarts, devil’s abortions! Do not you know that we are the Ukrainians, not the American aborigines, whom you have driven into the reservations and destroyed? Stupid degenerates, you are up to no good business to drive us, native people in prisons, like the aborigines in reservations. Don’t you know that the explosion of the national fury can eliminate you, the blood-suckers and extortionist of the people, not only from Ukraine, but also from all the countries of the world: instead of starting a dialogue with us and come to terms, you have become impudent and present yourselves as the owners of Ukraine and rulers of the destiny of each Ukrainian? We’ll show you, the skunks, devil’s bastards, you even forget about your Sarahs and suitcases. You will flee just in your underneath. And those who will have no time in time to run off will be bought back for one million dollars, not less. I declare war to you, dirty dogs, even prior to the coming of the Large Political Revolt of Ukraine. You and your Satan go to the depths of hell!” (*Idealist!* #30, March, 1999, p. 1, *Ivan Shablia*, *The L’viv Kaganat Cannot Calm Down Itself*).

Naturally, the mass media control is also a part of the plan of seizing power in Ukraine by the world Jewry. A special attention was paid to this aspect of the myth about world domination during the election campaigns, which were accompanied by a tough fight of diverse forces and clans both in legal and unauthorized mass media.

For example, the paper *Vechirnij Kyiv* reprints one of the pre-election leaflets, in which they affirms, that “the oligarchy controls in Ukraine 100 percent of the national television channels, 80 percent of regional and cable television networks, 50 percent of all radio channels, 90 percent of central newspapers, and 75 percent of the advertising market”. Then they provide the names “of the main proprietors, investors and chiefs” of the TV channels”, the territory of Ukraine covered by the signal of that or other TV company in percentage, and also “an average amount of the audience”. The names of the holders, investors and chiefs, upon the plan of the leaflet’s authors, should obviously speak for themselves: B. Berezovsky (Russia), B. Berstein (Switzerland), V. Rabinovich (Israel), R. Lauder (USA), G. Luchansky (Russia), A. Rodniansky, M. Fridman (Russia), V. Gussinsky (Russia), S. Lissovsky (Russia), A. Fuksman (Germany), etc. (*Vechirnij Kyiv*, #226 (16403), 20.10.99, p. 4, *The Information Web*).

“In whose hands is our television?”, the author of an article in the same newspaper asks a question, and further maintains that “each at least somewhat conscious Ukrainian—not at all an anti-Semite!—These questions stupidly irked as nails in a skull”. (*Vechirnij Kyiv*, 16.01.1999, p. 6, *Mykola Tsyvirko* “Have an Honor of Being not Invited”).

Similarly to “VK” “Za Vilnu Ukrayinu” charges the mass media and some TV channels in particular, that campaigned in favor of G. Surkis during the mayor election campaign: Since the Goebbels times the world has never heard such a twad-

dle. . . The Yids have carried out a mass attack on “the Ukrainian” a television . . . (“*Za Vilnu Ukrayinu*”, #47 (1521), 4.06.99, p.1, B.G., “Leonid Kravchuk is Dead Politically . . .”).

The allegations the mass media being seized “by the representatives of the ethnic minority” we find even in the letters to President L. Kuchma: “The gateways of the lie streams and misinformation have been opened, and the Ukrainian people shuddered of the unprecedented scoffing, for mockery and impudence of militant representatives of the national minority and waits your resolute censure and effective orders!” (*Vechirnij Kyiv*, #180 (16358), 18.08.99, p. 4, Mykola Tsipirko, *They Destroy Spiritual Values*).

2. The next regarding the frequency of its use goes the myth on the guilt of the Jews as far as the Ukrainian people are concerned. The interpretations of this myth encompass all tragic events of the history—from the oppression of the Ukrainians by the Poles and Russian autocracy through to the Chernobyl catastrophe that included both social and economic problems.

Here below we illustrate how the children’s newspaper “Zhuravlyk” narrates to its readers the history of mutual relations of the Ukrainian and Jewish peoples. The Poles handed over Ukraine “to the Jews to let, which mastered both life and death of the Ukrainians. Jewish colonizers traded serfs, the Ukrainian peasants, collected money for baby’s christening and burial ceremonies, deliberately made people drink in the pubs, making them ruined as the Poles gave “to the sons of Israel” the monopoly of vodka production”.

In addition the author asserts, that the bloody reproof of the Jews in the times of Khmelnytsky “is exaggerated more than 10 times”. That “the sons of Israel” shot back the Ukrainian authorities who struggled with the Bolsheviks in 1918/20”.

“It is enough to list the organizers of the largest crime in the history of mankind—the famine of 1933 in order to understand, who killed during one peace year (!) by a terrible famine from 10 up to 12 millions Ukrainians . . . But we heard day and night and we hear it now about “the holocaust”, in which even according to the Jewish on data (which are some times exaggerated) during 6 years of war twice less Jews perished”. (*Zhuravlyk*, #9 (17), September, 1999, p. 2, *Hvedot Slobodianjuk*, “Ukrainian Viewpoint. Up to Seven Yids for each Layman”).

“October revolution and the civil war in Russia were led by two million eight hundred thousand-wise Yids; out of maximum 556 states party posts in “the SSSR “450 were occupied by the Yids who headed Yido-moskalska communist empire, which was a bloodsucker of Ukraine”. (“*Neskorena Natsija*”, #13–14 (153–154), September 1999, p. 5, Pavlo Holovchenko, “The Intent and the Objectives of President Kuchma’s Activity”).

P. Chemerys, known by his anti-Semitic publications demands to organize an international forum of justice for the Ukrainian people’s genocide “initiators”: “A Yid submerged into the Ukrainian environment is subjected to the pushing out force which equal millions of Ukrainians tormented by Jewish Zionists, just for their global Jewry, global Zionist capital (as the sponsor and organizer of the genocide!), they have to be put before the Nuremberg-2 International tribunal”. (“*Za Vilnu Ukrayinu*”, 27.03.99, #37 (1511), Pavlo Chemerys, “The Law of Archimedes. Ukrainian Social and Political Interpretation”).

Something of the kind is also offered by the newspaper *Za Vilnu Ukrayinu* in the epilogue to the chapters of the anti-Semitic book by M. Shestopal “Jews in Ukraine” published in the newspaper: “Because Ukraine and Ukrainians suffered from the international Yids more than all other nations of the world (especially in 20th century), it is necessary to investigate carefully this “phenomenon” and to specify more adequate attitude to it”. (“*Za Vilnu Ukrayinu*”, #49 (1523), 18.06.99, p. 4, *Matvij Shestopal*, “Jews in Ukraine”).

3. Charging Jewish businessmen in stealing from Ukraine, in exporting its riches to Israel and the USA.

The nominee in presidential elections, the mayor of Cherkassy V. Olijnyk in his public statements (a TV program “Epitsentr”) declared: “If we elect Kuchma, there will be not Ukraine, but a Surkis-stan, because thereupon it will be possible to purchase and sell everything, even the entire Ukraine”. Later he once again publicly has returned to this theme: “The latest events in Ukraine once again have confirmed: we do not have power, more correct they are not Ukrainians but those people who are there just temporary, who have two passports, double morals. They will rob Ukraine and disappear”.

“Probably, the availability of the Jews, experts of economy and business, in the Ukrainian power structures and the environment of the President, as I believe, could be only for the benefit of Ukraine. However, in the overwhelming majority, the environment of the President consists of the people, whose interests ground on the bases of Chassidism (Kushnarev, Rabinovich, Volkov, and the others), and even

more, on the basis of self-enrichment at any cost which directly contradicts to human ideas of harmony and equality . . . That is, the people far from any humane ideas and whose purpose the entire misappropriation of Ukraine (for the last years only several dozens people transferred from Ukraine more than 20 billions of dollars, but only Lazarenko, a sole Ukrainian by his ethnic origin is accused, who has managed to be escape from a certain status fitting the Ukrainians, that is the status “of a pocket thief, they occupy the top governmental positions in Ukraine”). (*“Za Vil’nu Ukrayinu”*, #72–73 (1546–1547), 10.09.99, pp. 8–9, *Iryna Kalynets, Mezha*).

. . . The re-election of L. Kuchma for the second term threatens “with the continuation of economic and financial colonization of Ukraine, both on the part of the USA and Israel, as well as on the part of Russia”. (*Vechirnij Kyiv*, #107 (16284), 19.05.99, G. Musienko, “A Model of the President is Available So Far, but It Lacks the Ukrainian Movement”).

Already cited P. Chemerys writes: “Nobody ploughs, digs, or sows, but grows rich. Moreover at the expense of you and me. According to the evaluations (very modest) of the experts, only this century Yids have plundered hundreds billions of dollars belonging to Ukraine”. (*“Za Vil’nu Ukrayinu”*, 27.03.99, #37 (1511), *Pavlo Chemerys, “The Law of Archimedes. Ukrainian Social and Political Interpretation*).

In a number of the anonymous leaflets and newspapers anti-Semitic motives are heard openly and clearly. There is an image of a Jew, a criminal oligarch, to whom because his origin the interests of Ukraine and its citizens are alien. “The Gangster power has become absolutely impudent—is written in one of them. It is already not sufficient for them to occupy multiple positions in the Presidential Administration and manipulate Kuchma the way they wish. It is already not sufficient for them that they get to the parliament being citizens of other countries, use deputy immunity. They already privatized all Ukrainian enterprises, have misappropriated them and expelled all of us on streets. Now all these surkises, volkovs, rabinovichs and lazarenkos want to misappropriate our principal city”.

The articles of the head of the regional Jewish religious community of Kharkov Eduard Khodos occupy a particular position among the pre-election anti-Semitic publications. They are reprinted with much pleasure by all newspapers concentrated on anti-Semitism. “Facts” and “speculations” lay also in the basis of a series of other anti-Semitic publications as authentic evidences as a Jew wrote them.

A pre-election article by E. Khodos “Leonid Kuchma—the President of All the Jews, or Why I Vote for Another Person” is, for example, consecrated on the exposure of true objectives and problems of the Jewish organizations in Ukraine. “The split” of the All-Ukrainian Jewish Congress (AUJC) was caused, according to E. Khodos by the necessity to re-group the forces “at the Jewish top of Ukraine” before Presidential elections with the intent to mobilize all resources pass the entire command on Kuchma’s hands. E. Khodos characterizes the AUJC as “a monolithic organization created in 1997 under foreign Jewish nazi sect Chabad”. In the conclusion E. Khodos writes: “Being actually supported by the Jewish oligarchs, defending (consciously or unconsciously) only their interests, working for the benefit of the Jews of Israel and America, Leonid Kuchma has the right to be elected the PRESIDENT OF ALL JEWS”.

V. Sukovenko, one of the most active propagandists of anti-Semitism, uses “The exposures” by E. Khodos. He writes: “Chabad, as Khodos explains, is a Jewish nazi sect of the Chassids, built on the clan principle, which originated in Lyubavichi which is on the border of Ukraine, Russia and Belarus with the purpose to oppose. Khmel’nitsky. So, that nazi sect was born from the anti-Ukrainian insides”. (*“Neskorena Natsija”*, #13–14 (153–154), September 1999, pp. 2–3, *Viktor Sukovenko, “Leonid Kuchma: Is He Really Our Choice, Or Tell Us Who Are Your Friends And I Shall Tell You What You Are”*).

The chairman of the Ukrainian Conservative Republican party and until recently the deputy of the Verkhovna Rada (Parliament of Ukraine) Stepan Khmara expresses his togetherness with E. Khodos. He is well known by his pogrom-kind articles and statements. Stepan Khmara considers that E. Khodos “is a real patriot of Ukraine. Because, as anybody else Khodos resolutely holds up to shame the Jews, the oligarchs who became fantastically rich at the expense of embezzlement of enormous riches of Ukraine, of its people by swindle and criminal businesses (. . .) Rabinovichs, berezovskys, surkises, dvorkises, pinchuks, volkovs, etc. try at any rate L. Kuchma be re-elected and for a long time, and may happen, for ever, to be established at power in Ukraine, while the people Ukrainian will be transformed into an eternal slave deprived of right”. (*Sil’s’ki Visti*, #130 (16887), 29.10.99, p. 2, *Stepan Khmara, “A Word about Eduard Khodos”*).

“... In the overwhelming majority, the environment of the President consists of the people, whose interests ground on the bases of Chassidism (Kushnarev, Rabinovich, Volkov, and the others), and even more, on the basis of self-enrichment at any cost which directly contradicts to human ideas of harmony and equality. This fact is mentioned by the leader of the Jewish Religious Community of Kharkov E. Khodos in his writing “Who Killed Father Men’?” That is, the people far from any humane ideas and whose purpose the entire misappropriation of Ukraine (for the last years only several dozens people transferred from Ukraine more than 20 billions of dollars, but only Lazarenko, a sole Ukrainian by his ethnic origin is accused, who has managed to be escape from a certain status fitting the Ukrainians, that is the status “of a pocket thief”, they occupy the top governmental positions in Ukraine”). (*“Za Vil’nu Ukrayinu”*, #72-73 (1546-1547), 10.09.99, pp. 8-9, *Iryna Kalynets, Mezha*).

Deputy E. Smirnov consecrate in his speech in the Verkhovna Rada in the same issue.

“During the last convene several times I came up in this hall with the information concerning the deputy inquiries regarding the activity of the Uman Chassids. Useless to mention how many times and in those my reports on the deputy inquiries I addressed the President, the Premiere, The Public Attorney’s Office, the chief of the Security Service of Ukraine (SBU) with questions, on what basis and terms the Chassids were allocated a lot for the construction of the largest in the world synagogue for 10 thousand seats in the town of Uman’. Who works on this construction? Is the legislation of Ukraine infringed in this case? Is it true that Uman’ has become a branch of the Massado-Chassidic intelligence centers? I have got no answer so far. Moreover, here is a photo of Rosh-ha-Shana celebration in Uman in September 1998. The members of some illegal paramilitary troops probably guard the Chassids, while the authority neglects this fact. While acknowledging that such operations, if they take place, really endanger the national security of Ukraine, even its statehood, I appeal for issuing the appropriate order to the Committee of the National Security and Defense to investigate this issue”.

Without doubt such statements justify and inspire the activity of the extremist organizations. Thus the Ukrainian National Assembly-Ukrainian National Self-defense (UNA-UNSO) attempted to intrude with the celebrations of Rosh-ha-Shana by the Chassids in Uman’ to support the Dontsov Foundation, Yu. Lipa Ukrainian Black Sea Institute and Uman Chapter of RUKH. They have undertaken an attempt to conduct in the Town of Uman’ a scientific and theoretical conference Koliyivshchina as a National Liberation Rebellion of 1786 and a series of actions, in particular sanctification of a site allocated for the monument to Honta and Zalizniak, while a group of participants of the conference September 11, 1999 rallied to the places connected with this event. And they organized the action not on the day when Uman’ was liberated, but exactly September 11, the very day the Chassids celebrated Rosh-ha-Shana. (It is a historical fact that exactly in 1768 they have arranged a terrible bloodshed in Uman’ led by the Gaidamaks Honta and Zalizniak as a result of which thousands of Jews perished).

The authorities took tight security measures on preventing the action. The militia (police) squads in Uman’ surrounded the car in which there were UNA-UNSO’s members and more than 100 members of the organization were detained.

Nevertheless after a month the conference was held and UNA-UNSO’s leader writes about it in *Vechirnyi Kyiv*: “The events of September 11, when hundreds UNA-UNSO’s affiliated members were arrested who went to Uman’, and the conference of October 9, are undoubtedly the important events not only for Uman’, but also for the entire Ukraine: for the first time it was proved to the whole world about the inadmissibility of that humiliation of Ukrainian nation’s dignity and honor, about the inadmissibility of the creation in Ukraine of the ex-territorial zones, where the rights of the Ukrainians could be restricted due to the activity of some foreign people, hostile to the Ukrainian State belonging to the right-wing radical antisocial sects”. (*Vechirnij Kyiv*, #228-229 (16405-16406), 22.10.99, p. 7, *Anatolii Lupynis, “Commemorating the Heroes of Koliyivshchina Being Delayed One Month”*).

A great number of anti-Semitic publications is consecrated on the proceedings under the mutual claims of a group of authors of the book “Anti-Semitism against Ukraine” to the newspaper *Vechirnij Kyiv* and, correspondingly of *Vechirnij Kyiv* paper to the authors of the book. *Vechirnij Kyiv* pays a special attention to the covering of this process. They publish articles covering the advocacy of the stand of the newspaper, in a specially allocated columns the readers support VK. The newspaper tends to organize a discussion regarding anti-Semitism, as extensive as possible forcing a hysteria in regard to “numerous NON-UKRAINIAN mass media, both in Ukraine and abroad”, who “started immediately to treat with pleasure this case”. The publication asserts that in this case it “is not simply an ordinary allegation of

the newspaper (that now are hundred in courts); it is possible to speak about an attempt of “a STERILIZATIONS” of the public opinion with the purpose repudiate most righteous Ukrainians as to their national self-consciousness, self-identification. And the first step to this is to force us to being mute and blink in response to different dirty allegations such as anti-Semitism” (which is logically directed against Ukraine and everything Ukrainian). (*Vechirnij Kyiv*, #228-236 (16413), 30.10.99, p. 6, “When Information provided by Squealers Do not Work, the Latter Look for Other Ways . . .”).

VK’s editor-in-chief as if it were readers’ request tells about the legal process and shares views in regard to the problem of anti-Semitism in Ukraine. “Our readers concerned with the numerous claims to VK consider them if not coordinated, then as being encouraged by certain groups”,—he informs and writes in addition: “This issue was considered as forbidden in times of the totalitarian regime now, in free Ukraine, attracts a rather obvious attention of the public. But someone would like it further to be pushed in the underground and was not admitted for an open discussion (. . .). But unfortunately Jewish anti-Ukrainians consider any attempt to go deep into really complex Ukrainian-Jewish relations as anti-Semitism, and most beligerent of them charge the Ukrainians with the genetic anti-Semitism (. . .). Unfortunately, the aggressive activity of the Jews anti-Ukrainian minded induces somber thoughts. These are they who destabilize the internal situation in the country, compel international hatred, charge with anti-Semitism everyone who dared to criticize a concrete Jew (they criticize a Ukrainian, a Russian, or an Armenian as much as they want) for concrete step, or are of a different opinion with their stuff. In this situation even the most ardent supporter of the Jewry on seeing such paranoiac anti-Ukrainism necessarily will become an anti-Semite in that sense, as Jewish chauvinists understand anti-Semitism”. (*Vechirnij Kyiv*, #204 (16381), 22.09.99, pp. 1-2, Vitaly Karpenko “*Inti-Ukrainism of Jews is Against the Jews*”).

A selection of the materials is published, the latter being titled “The Impudent Challenge to the Ukrainian Society”, the editorial comment to which convinces the readers that the opponents of VK carry out an order of certain forces, having far-reaching plans. The book, as the editorial board of the newspaper asserts “has been started” obviously as a trial stone, as a preventive substantiation of the future actions of total reprimand of any national self-consciousness’ manifestations of the Ukrainians”. Today a civil action of proceeding by all means they try to expand to the frameworks of a political process referring to the ill-fated “Demyanjuk’s case”. Actually it is an impudent challenge to the Ukrainians, the entire Nation which they would like to disable as far as moral principles, law, and information are concerned”. (*Vechirnij Kyiv*, #264 (16441), 4.12.99, p. 4, “*The Impudent Challenge to the Ukrainian Society*”).

Other newspapers did not stay away of this process. B. Vovk, the editor-in-chief of *Za Vil’nu Ukrainu* writes: “The conclusion is as follows: the concept “of the human rights” in Ukraine should be given in such an edition: “the human rights of the Yids” in Ukraine. In any case Naiman not only has more rights in Ukraine, than Vovk in Israel, but also he has them more, than Vovk in Ukraine. And it is a pity. Bogdan Khmelnytsky (if lived in our epoch) would immediately corrected this situation. Are not we the Cossacks so far?” (*“Za Vil’nu Ukrainu”*, #50-51 (1524-1525), 25.06.99, p.1, B.G., *Are not we the Cossacks so far?*).

Accidentally, according to B. Vovk’s information from one of his previous articles “the District Public Attorney has refused the claimants to suit a file against the publishers of the newspaper *Za Vil’nu Ukrainu*, the latter being accused as inciting anti-Semitism”. (*“Za Vil’nu Ukrainu”*, 6-7.01.99, M.P. “The Public Attorney Bogdan Ferenz Does not See any Crime as far as ZVU’s publications are concerned, We Also, Brothers Yids! . . .”).

The European Commission’s Report Combating Racism and Intolerance in Ukraine contains the following statement: “The ultra-nationalist press frequently publishes anti-Jewish and anti-Russian diatribes and the authorities often fail to prosecute those responsible.”

In appendix to the report of the European Commission Combating Racism and Intolerance there is an explanatory note of the agencies of the Ukrainian authority. And there is any word about anti-Semitism. A. Martsynovsky, the authors of the parliamentary newspaper *Holos Ukrainy*, making comments this message, considers: “Hence, the Ukrainian authorities obviously have no idea what does the Ukrainian racism and intolerance mean.”

The intolerance to anti-Semitism in Ukraine still has not become a norm of the political life in the society, of its upper echelon. There were not many articles and statements resisting to the manifestations of anti-Semitism in 1999 and generally they did not become a significant event in the society.

Senator SMITH. Now, Rabbi Singer, last but certainly not least. We are very delighted you are here, and invite your testimony.

**STATEMENT OF RABBI ISRAEL SINGER, SECRETARY
GENERAL, WORLD JEWISH CONGRESS**

Rabbi SINGER. Thank you very, very much, Mr. Chairman. I was very moved by your words earlier, and I would like to associate myself with what Senator Biden said.

I can only tell you that it is only because of the way you sounded and the determination with which you made your remarks that I think that we have arrived at this day, today, at these hearings, and, I think, the kind of environment that we today live in.

It is a distinct honor to once again appear before the Senate and testify before this distinguished committee, and particularly before yourself.

I had an opportunity to convey our deep sense of gratitude for the achievements that have been effected since the first hearings when we appeared before you, Senator Boxer and the Banking Committee when Senator D'Amato was still around. And I would like to tell you the fervor which was shown by some of your colleagues made all the difference.

And I would like to tell you that you might recall at those initial hearings with Swiss banks, not one survivor had received compensation, and not one humanitarian need had yet been addressed.

You saw charts that Stuart Eizenstat presented to you, and I take personal opportunity to thank you as the chairman of the World Jewish Restitution Organization, and as the chairman of the Negotiating Committee of the Conference on Material Claims Against Austria. Besides being World Jewish Congress, I have other hats.

And I would like to tell you that none of this would have happened—none of it, despite the global economy in which we live and despite the interrelationships that we possess, and despite all the support that we received—had you not supported us. It is a big statement, and I am not a person with a sense of modesty that is unnecessary.

I would like to tell you we would not have, with all of our strength and with all of our lobbying efforts, without the U.S. Congress and the U.S. Senate having supported us—and the U.S. administration because this has been a bi-partisan effort—we would have succeeded in none of this.

And I would like to make a kind of assessment in what we have succeeded and where we have not yet succeeded because I have come not only to thank you, but also to ask your continued support.

Now the largest Swiss bank settlement is in its final stages, and I will tell you that I have learned some things. I am not sure that I would like to settle all things for old people in a Federal court because it takes a long time to get them paid.

We have all learned lessons, and that is not because the judge is not one of the wisest I have seen, but the process is a very slow one. And the process of notice is a very, very methodical one, and I respect it, as someone who has studied the legal system and taught it.

But I can tell you that I hope and trust that the new process which Stuart Eizenstat described that the German Foundation is going to be using, will distribute the money more quickly, because he told you of that number which we used to sensitize him, and he is more sensitive than any man, spending more hours than any person. He did not know that we were losing 1 to 1½ percent of the survivors a month.

And that number will escalate according to our actuarial tables with every year that passes, so we will have more money per head to distribute, but less heads to give it to.

David, your story, unfortunately, is not the only one. Your father, my father come from the same place as Senator Boxer's, and we would have all ended up the same way.

I do not want at this time to allow the Austrians—and I interject immediately with that, because they have a government which we do not like to get away with not being obligated to pay what they owe—even if people choose not to negotiate with that government for political reasons.

Bad governments do not exculpate countries who have not taken the responsibility to do what they need to do. To the contrary, Stuart said that he thinks it might actually encourage them to do more. They need to do more, much more.

There are 45,000 businesses that have never been restituted. He passed over it. There were 70,000 apartments that the 210,000 people like David Harris's, and your parents, and mine lived in with all their contents and furniture. They have never been restituted. They have never made an effort to deal with these questions.

And now that they feel that they are obligated to begin to deal with these questions, they have said that they shall wait until after the Knight Commission studies this problem.

We estimate that at the time the Knight Commission will complete studying this problem, of the 21,000 Holocaust survivors that are Austrian that are still left of the 210,000 Jews that lived in 1938, we estimate—and God willing this will not happen—only 8,000 will be alive to receive whatever bounty the Austrian Government might choose to place at their disposal. It will be far too little, and far too late.

And I believe that we should not congratulate them by just ignoring them. We must find ways other than legitimizing them to make them pay proper recompense.

With regard to other aspects of the restitution program, I find it frightening talking about Austria, but this is not limited to Joerg Haider in Austria. In fact, even in Swiss elections, for example, the electorate gave the largest share of the vote to a right-wing People's Party, which is led by millionaire financier Christoph Blocher.

You may remember Blocher for having suggested that, for asking to have recompense—something which we study in legal systems all day long with regard to relations between businesses and people and believe is the only way that business should be conducted in Western systems, and that is the way millionaires actually collect the money, which gives them the opportunity to be rich—he called us blackmailers for asking for our money back.

I find it very, very important to mention this here, and when you call on him, or he calls on you, to remind him that this is not the

way we do business in this country. That is not the way we become millionaires in this country. And that is not the way we respect persons who wield so much power and influence.

Yet the stark reality is that Blocher and other right-wing politicians advocating extremist agendas have made substantial inroads in Belgium, even in France, and Denmark, and certainly in some of the former Communist bloc countries.

But that has been discussed, and I do not need to deal with it, but it does affect the question of restitution in some areas because we actually feel uncomfortable at times because people tell us, "Do not press your case. It may increase the strength of the right."

In fact, we held back for 1 year in negotiating with the Austrians because we were actually advised by our own Government that we could encourage and advance the election of Mr. Haider. We lost over 15 percent of our survivors, and who will never be recompensed for their personal pain, for their property, and we still got Haider, in spite of our silence. Sometimes you get two firsts.

And I would like to sensitize ourselves that bending over backwards may not be the most effective method in treating persons who are the kind of persons we do not sensitively suffer in our own country.

And maybe we should use the methods I was taught in Brooklyn, and that is to tell people what they are and call them what they need to be called in order to be able to expose them.

And that goes for the same kind of experience we had yesterday when we met with the Black Jewish Caucus on the Hill, and discussing racism in America, or when we discussed this kind of behavior in Europe.

There is much to be done in Austria, and much to be done in other countries, and I do not believe we should do it by pussy-footing.

Frankly, Austria claims, of course, that it solved its problem and made financial redress. It did so in a very, very modest manner, and agreed to do more in adding certain aspects to its settlement with us and apology for its actions during the Holocaust period. I hope they do. We have an appeal pending, and will appeal throughout the court system if they do not do what they said they will.

The situation is only exacerbated by the continuing flood of documents which we find that we had in our own archives, and held them bottled up for years. And I read the State Department's clarification of my statement with regard to the declassification of a document that showed that the heirless assets held by Nazi authorities in Austria exceeded \$10 billion in today's value.

Yes, it was not released through a court declassification procedure. It was just declassified and released last year. Since 1953, it was kept sealed. You wonder why they did not pay.

In Germany, with all the difficulties in our negotiations, we have seen an honorable expression of moral restitution. I was present in a private meeting with President Rau when he made a statement which truly, truly places moral restitution in the kind of frame of reference which might indeed be the kind of denouncification procedure that Austria might include for its own peoples: It is not just what you give back; it is how you give it back.

And indeed, President Rau established a principle which should be a continued powerful reaffirmation wherever restitution takes place, because it protects against anti-Semitism, and it allows people to get back what they own—what they deserve.

I here, would like to thank again the efforts of Secretary Eagleburger and the insurance policies which are in some parts of Europe, “the poor man’s bank accounts.”

And I would like to correct my testimony, my written testimony, by welcoming what we have already begun to hear today and which I would like to flush out, and that is the participation of Dutch insurers into the International Commission.

I had come here to aggressively, in my usual fashion, beat up on Dutch insurers and their CEO’s sitting in this room, Dr. Fisher. Until late last night, we had serious negotiations.

And I thank you, Senators, for having helped me, not change their approach because they have told us that they use the same standards that we use here in ICHEIC, but because they have globalized their approach and have accepted the standards internationally that everyone else accepts.

It is not enough to do the right thing yourself. It is important to do it under the standards that everyone else does it, so everyone sees the way you do it.

And you encourage others to do the right thing by doing this, Dr. Fisher.

The Austrians have still not come in, despite the fact that they have announced that they are going to come in. And I think that you have led the way. And I hope, indeed, that your colleagues will follow your good example that you are suggesting to them to sign the MOU.

And we will, indeed, take those important American companies which are your sister companies like Aegon, TransAmerica, and ING and welcome them into the family of internationally accepted insurance companies who have decided to deal with this period in a public way, make no mistake about it.

Senators, we thank you, for everyone’s participation.

Mr. Chairman, allow me to conclude with a specific proposal, and I do not want to go over all the specifics I have in my notes. I suggest that this committee considers issuing a continuing progress report, maybe at a 6-month interval, because we have difficulties; we have outstanding issues with lots of countries, and those issues sometimes come to pass as we are negotiating with them.

This is not, I repeat, about money. It is about standards.

And with this, I close: If you would watch, we would succeed. And if you will report and call on us to report, we will have no difficulties.

I would like to tell you that the Nazi War Criminal Records Interagency Working Group found its possibilities to tell the truth about American documents that were bottled up only because Senators like yourself allow them to do this research.

And I appeal to you for their funding, even though it is not our activity, because their information makes it possible for us to do justice. The transparency that you have created, the reporting that you allow us to give you, and the support that you give us makes all of this possible.

And I would like to suggest that the 15 million pages of documentation that Stuart Eizenstat's reports generate, changed history.

When we had the first negotiations with the Swiss bankers, one of the bankers, an important official in the Swiss banking establishment, said, "How in the world could you be asking for so much money?" And we were not, at that point, anywhere near the settlement number.

He said, "I have seen the pictures of your forebears in that very famous book by Roman Vishniak and they all had rags tied around their feet because there were no shoes." I took umbrage at his remarks, and it gave me further encouragement to try and describe the truth.

We were, indeed, a people, not only with valuable art, but also with tens of millions of books, some of which have found their way here.

No museum, no cultural institution is above justice. Viewing art in public places should not negate the possibility of describing how that art got there, anywhere, here or elsewhere. And frankly, you have made all that possible.

You have defined justice and redefined it, and I would like to tell you that if we can possibly have an opportunity to appear before you time and again, we shall conclude this process, and you shall have made it possible.

I thank you, and I appreciate the opportunity, once again, to speak before you.

Senator SMITH. Thank you very much, Rabbi.

[The prepared statement of Rabbi Singer follows:]

PREPARED STATEMENT OF RABBI ISRAEL SINGER

Mr. Chairman: It is a distinct honor once again to appear before the Senate and testify before this distinguished committee. It is also an opportunity to convey to you our deep sense of gratitude for the achievements that have been effected since the first hearings in the Senate and House on this subject some three years ago.

You might recall at those initial hearings dealing with Swiss banks, not one survivor had yet received compensation and no humanitarian needs had yet been addressed. Mr. Chairman, I can report to you today that nearly one quarter million Holocaust survivors have received funds in the aftermath of those Hearings; survivors in need from Argentina to Zimbabwe, from Oregon to Delaware. It is a lasting tribute to the moral commitment of American legislators.

The larger Swiss bank settlement is in the final stages of completion before the federal court in Brooklyn and the distribution of the \$1.25 billion fund is on track for later this year.

But as we have repeatedly said, the importance of financial restitution must not overshadow the priority of moral restitution—the honest confrontation and accounting of the past. In the case of Switzerland the dramatic revelations on Swiss refugee policy as enunciated by the Bergier Commission is the explicit expression of the obligation to seek historical truth.

Indeed the current world outrage directed at Austria because of Mr. Haider is, in our view, largely attributable to the moral tone that American officials have striven so successfully to inject into the discourse of world affairs and expectations of international conduct. I doubt very much if the Haider phenomenon would have elicited such universal condemnation just a few short years ago; that is, before the United States Senate and so many others came to bear on world consciousness.

What I find frightening—and what I think will trouble you, too—is that the growing political power of extremists like Joerg Haider is not limited to Austria.

In fact, in Swiss elections, for example, the electorate gave the largest share of the vote to the right-wing People's Party, which is lead by millionaire financier Christoph Blocher.

You may remember Blocher for accusing the World Jewish Congress of “black-mail” in our negotiations with Swiss banks on behalf of Holocaust survivors. It’s an outrage such a man could wield so much power and influence.

Yet, the stark reality is that Blocher and other right-wing politicians advocating extremist agendas have made substantial inroads in Belgium, Denmark, France and the Eastern states of the former communist bloc.

There is much yet to be done in Austria insofar as Holocaust-era assets are concerned. The recent settlement with Bank Austria was limited to that institution, and did not encompass the larger remaining claims against the Austrian government and Austrian industry. That settlement, however, demonstrated once more our insistence that the moral component must be addressed. Bank Austria not only made financial redress but also issued a statement of apology and responsibility for its actions during the Holocaust period. We recently released a 1953 State Department study showing that the value of Jewish heirless assets seized by the Nazi authorities in Austria exceeds \$10 billion in today’s value.

In Germany, with all the difficulties in negotiations, we have seen an honorable expression of *moral* restitution. From the president of Germany, words of apology and the desire for forgiveness were expressed coincident with the creation of the 10 billion Deutsche mark foundation. Although, there are still difficult weeks of negotiation to finalize the terms of the foundation—and we should be wary that we have yet to succeed—the words of the German president must be understood as a powerful reaffirmation that this is a process whose centerpiece is not money but rather historical justice.

Insurance policies have been called the “poor man’s Swiss bank account.” Let me express our unqualified support for the International Commission on Holocaust-Era Insurance Claims chaired by Secretary Eagleburger and the onerous responsibilities they have assumed. With all the difficulties—and there continues to be great difficulties—we wish to commend those insurance companies that are members of the Commission and are seeking to work things through.

Conversely, those insurance companies and particularly the Dutch insurers who have refused to join are displaying rank insensitivity to the memory of those who were victimized. When we say Dutch insurers it touches us also here in the United States as, for instance, the case of Aegon which owns the Transamerica insurance company. Globalization of industry has given Dutch insurers a wonderful market here in the United States. But in refusing to join the International Commission, they have not adopted global standards of behavior.

We appeal to our public officials to send a message to a company like Aegon. We should make it clear that their continued expansion into the United States market is an affront while they refuse to deal honestly with the responsibilities arising from the Holocaust era.

Make no mistake about it. The record of Holland during the Holocaust is sharply at odds with the popular conception. Holland had the worst record in Western Europe during the Holocaust—some 80% of its Jewish population was murdered. They were handed over by Dutch police. The Dutch were not the Danish.

The perception of Holland has been colored by the tragic Anne Frank story. But Anne Frank who was betrayed and died in a Nazi concentration camp had her furniture in the hidden annex removed by a Dutch moving company. So the failure of Aegon and the Dutch insurance companies is clearly bound up in the unwillingness to face the past—a failure of moral restitution.

Mr. Chairman, allow me to conclude with a specific proposal. May I suggest that this committee consider issuing continuing progress reports say at six month intervals—so that the public at large remains informed and that the institutions involved know that they are still held accountable. This we believe would not only produce practical results but can serve as a lasting legacy of this committee’s work.

Mr. Chairman, again let me express my thanks to you and the committee and with your permission I wish to be able to call on you in the future to help shape a world in which decency and fairness prevail.

Senator SMITH. I—on a personal note, I thank you for your acknowledgment of the Dutch companies that have made progress with you, and for their willingness to work with you. I think that should be part of the record, and we are grateful to them.

[The following statement of the Association of Dutch Insurers was submitted for the record:]

The Association of Insurers of The Netherlands would like to express its appreciation to the Chairman for the opportunity to express its views on the critical issue

of restitution for victims of the Holocaust and is pleased to submit the following statement for the record.

PREPARED STATEMENT OF THE ASSOCIATION OF INSURERS OF THE NETHERLANDS

We strongly feel that the fundamental issue is whether life insurance claims of the heirs of Holocaust victims have been properly identified and paid, or accounted for.

HISTORY

During World War II, the Dutch government in exile founded the Council for Redress, which started its work after Liberation Day (May 5, 1945). That is the reason why Dutch Holocaust beneficiaries received redress *immediately* after World War II from Dutch insurance companies. Claims were paid at face value. By the mid-1950's, only 2 percent of the value of the 22,368 policies of Dutch Jews that were confiscated during the War, remained unclaimed. The surrender value of these unclaimed policies was handed over to the state in 1954, so that no life insurance companies would be unjustly enriched.

These findings were later confirmed by the independent Scholten Committee, in its report of December 1999. A (translated) copy is attached. This committee—which was established by the Dutch government to review all efforts of Dutch financial institutions—has independently reviewed and verified the entire process of restitution by Dutch insurers. The Committee concluded that “it [i.e., restoration of life insurance] took place systematically.”

- In November 1999, the Dutch Association of Insurers (DAI) and the Central Jewish Board in the Netherlands (CJO) established two foundations funded by 50 million guilders (approximately \$20 million) from the DAI: one for facilitating any remaining individual claims payments (less than 2 percent), the Sjoa Foundation (20 million guilders), and another for providing humanitarian aid to be determined by the Jewish community (25 million guilders). Additionally, the DAI is helping establish an Internet remembrance memorial “Monument to the Jewish Community” (5 million guilders).

- The DAI and local Jewish groups have conducted—as stated above—an intensive archival search for the nearly 2,000 to 2,500 unclaimed policies that still existed during the fifties. Although records are fragmentary and incomplete, they have sought to identify the unclaimed policies from the Holocaust era. This search is nearly complete and it is expected that between 800 and 1,200 unclaimed policies will be identified for all insurers across the entire country.

- The DAI has requested an exemption to Dutch privacy laws to publish the names of holders of unclaimed policies and to provide U.S. regulators the names of these unclaimed policy holders for *all* Dutch insurers, not just those with U.S. subsidiaries. The Commissioner on Dutch privacy law wrote a “letter of comfort” (translated and attached) so all U.S. commissioners can examine this list.

- The DAI has cooperated in a claims handling agreement with the State of California and has been talking to the State of Washington in recognition of the specific Holocaust Claims Reporting requirements of these states. DAI is prepared to enter into a similar claims handling cooperation with any other state.

- In researching and handling Holocaust claims inquiries, DAI has applied five principles to help facilitate fact finding and claim payment. These same standards will be used by the Holocaust Foundation for Individual Insurance Claims—the (Sjoa) Foundation established in the Netherlands.

- All archives of DAI members are open for independent research.
- Payments of claims will be made to beneficiaries all over the world. DAI and Sjoa Foundation have initiated a worldwide outreach program through advertisements and the World Wide Web.
- Payment will not be refused simply because the insurance policy has lapsed. DAI members have waived their rights in relation to contractual time limitations, until 2010.
- Flexibility will be used regarding claim documentation so that a reasonable degree of probability of a “right” to payment shall be sufficient for it to be honored.
- Interest will be paid.

- The Dutch Sjoa Foundation has been established to address any oversights in the original Dutch plan for full restoration of life insurance benefits, including provision for industrial life insurance, which features very small face amounts with minimal cash values and which, as a class of insurance, had not been confiscated by the Nazis.

- The Dutch Insurance Supervisory Board, supported by the Dutch Association of Insurers, has announced it will conduct an independent audit of unclaimed policies in the archives of insurers. A proposal has been made to the International Commission on Holocaust Era Insurance Claims (ICHEIC) seeking input on obtaining an outside third-party accounting firm audit of existing archives of claims and possible claims, designed with the stated needs of both the Supervisory Board and the International Commission in mind.

- The Dutch Association of Insurers has requested membership in the ICHEIC provided there is acknowledgment of the redress completed by the Dutch insurers. We believe that having our Association join as a member would be the most desirable approach since the Association represents the constituency of insurers in the Netherlands, can effectively coordinate the entire claims process together with the Sjoa Foundation and does not only represent Dutch insurers who are working in the U.S., but also the insurers who are *not* working in the U.S. but had a market share *before and during WWII*.

- Membership in ICHEIC will include agreement to a credit to DAI against all “humanitarian” payments to be assessed to the members equal to the payments agreed to be made under the agreement with the CJO; and agreement that payments assessed to members of ICHEIC will be allocated according to market share in Europe during the Holocaust.

Senator SMITH. Senator Boxer, any closing question or comment?

Senator BOXER. Well, I think—let me just make a couple of remarks and thank this panel for their presentation, and to say to you, Mr. Chairman, again, my deepest thanks.

And I really do think if there is anything I take away from this, it is a reminder of what I learned when I was in the House, which is shining the light of truth on these issues.

It is absolutely necessary whether it is shining the light of truth on these negotiations that are going on and bringing them out into the open as Senator D’Amato was very good at doing, you were very good at doing, and keeping that pressure on because the way I solve problems in my office, and my work—and I know, Mr. Chairman, I am sure you do the same—you bring people to the table. You hear them out. You get the issues out.

And then you can resolve things, because if you are not working from the same set of facts or agreements, nothing will get done, and there is always an excuse.

So that in terms of these negotiations, I think, Mr. Chairman, you have a very important role to play. In many ways, just hearing the facts come out from all sides, that would be very helpful. I would love to work with you on that, as we continue this.

And the other point I want to close on, and I have one question, is shining the light on this anti-Semitism. It is really painful to do it for everyone because the one thing that we all hoped, as was pointed out by Mark, is that we would not have to do that in this generation, that that was over. But we need to do it, and I myself need to do it better, and need to do it more.

So I would encourage our panel, particularly David and Mark, to let us have this information on a regular basis. I will go to the floor of the Senate, my colleagues will go to the floor of the Senate, and we will call attention to what is happening.

And my question is when I saw this Luzhkov, this thing, I really just got sick. If you look at it this—I do not even want to repeat the point.

I guess one thing I was worried about when I was in the House in those days is: If you really did shine the light on the refusniks and how they were living, would it really hurt or help them?

And I was very, in the beginning, worried about taking their cases. Then I learned when I did my first case, that it made all the difference in the world. And they would eventually let them out, and they would not harm their families because we would shine the light of truth on the anti-Semitism, and when they know that we are watching—you know that slogan, “The whole world is watching”—they will not dare do certain things.

My question which is to David or Mark, whoever feels more comfortable, is: How deep-seated is what is going on in the former Soviet Union, vis-a-vis the Jewish population, which there is very little left? In other words, my question is: Is it—would you define it as “incidence”? Would you define it as something deeper than that?

And if it is deeper than that, and it is still systemic in certain places, should we not have a refugee program like we used to have so that people could come here? So I just wonder, because I really need to know your feeling on that.

Mr. LEVIN. Senator, it is a deep-seated, and long-time problem. It is something that existed under Soviet times as well as under the Czarist regime. It is something that Jews, not just in Russia, but throughout the former Soviet Union, confront on a daily basis.

I do not think that very many people realize that no matter what the figure is of the remaining Jewish population in the former Soviet Union, it is still the third largest Jewish population in the world.

Senator BOXER. Is that about 1 million?

Mr. LEVIN. It depends on your definition. It depends on who you speak to. We always like to say between 1 million and 1 million and a half. The Jews in Moscow, like to say there are 1 million Jews in Moscow alone, but I am not a demographer.

It is an issue that many Jews in that part of the world confront on a daily basis, and we do need to shine the light, and we do need to be supportive. I have never met one leader in the Jewish community, let alone a member of the community who said, “Step back. Do not speak out.” We have to continue to do that.

At the same time, there is something very interesting happening in Russia and the other states. Many Jews have decided to stay, and the natural question is, why? And it is not a simple answer, but for many it is their country. It is their homeland, and they believe that they have the obligation, or more importantly from their perspective, the right to fight against voices of hatred and intolerance.

And by doing this, it is their hope that they can change society, and they can make—again whether it is Russia, or Ukraine, or Belarus—a more tolerant place to live, a more pluralistic society.

To sum up, a Jewish leader stood before an audience that I was a part of in Atlanta, probably close to 1,000 people and that question was asked. And he looked into the audience, and he said, “I am a Russian, and I am a Jew. And it is my obligation to stand up and fight for what I believe in.”

And that is what I think we have to do as Americans, as supporters of freedom, to remind the world what our collective obligations are, to make it a more open and free place in which to live.

Senator BOXER. And the question on refugee status.

Mr. LEVIN. There is a refugee program still in place. Jews living in that part of the world who have relatives in this country are eligible to come—first degree relatives are eligible to come into this country. We do have the State of Israel that still takes in 65,000 Jews annually.

Think about it, 10 years after the gates were first open, when hundreds of thousands of Jews left in a very brief period, we still see 60,000 to 65,000 Jews from throughout the former Soviet Union leaving on an annual basis. It is—I think it is our hope—

Senator BOXER. So you are satisfied with the—that is what I want to know.

Mr. LEVIN. I think today, options exist for those Jews who wish to leave.

Senator BOXER. OK. But I get your deeper point. We have to shine the light on what is happening and try to help make it better.

Thank you, Mr. Chairman.

Senator SMITH. Thank you, Senator Boxer.

I do not think I have a question that I would want to ask now for fear it would detract from the testimony that each of you have given.

I would say to Rabbi Singer, remember our hearts are open, our minds are open, our doors are open, as we count on all of you to call on us when we can help.

The United States has a big military, but more importantly, the United States has a moral purpose to it. And we cannot realize the value of either if we are quiet. So if you will help us be noisy and constructive, we will be so. And Senator Boxer and I will hold these hearings as necessary.

With that, I would ask consent that we leave the record open, and if any of our colleagues have any additional questions that we would submit to you in writing.

With that, we are adjourned.

[Whereupon, at 5:02 p.m., the hearing was adjourned.]